

*KEITH REED, ET AL vs.*  
*ALECTO HEALTHCARE SERVICES, LLC, ET AL*

*ELIZABETH SCHENKEL*

*05/13/2022*



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**EXHIBIT 5**

<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE NORTHERN DISTRICT OF WEST VIRGINIA</p> <p>3</p> <p>4 * * * * *</p> <p>5 KEITH REED, LISA DOLENCE,</p> <p>6 ELIZABETH SCHENKEL, EMILY</p> <p>7 WINES, MARK GARAN and</p> <p>8 AUGUST ULLUM, individually</p> <p>9 and on behalf of others</p> <p>10 similarly situated,</p> <p>11 Plaintiffs,</p> <p>12 vs. CIVIL ACTION</p> <p>13 NO. 5:19-cv-0263</p> <p>14 ALECTO HEALTHCARE SERVICES,</p> <p>15 LLC, and ALECTO HEALTHCARE</p> <p>16 SERVICES WHEELING, LLC d/b/a</p> <p>17 OHIO VALLEY MEDICAL GROUP and</p> <p>18 d/b/a OVMC PHYSICIANS,</p> <p>19 Defendants.</p> <p>20 * * * * *</p> <p>21 Deposition of Elizabeth Schenkel taken by</p> <p>22 the Defendants under the West Virginia Rules of</p> <p>23 Civil Procedure in the above-entitled action,</p> <p>24 pursuant to notice, before Angela L. Curtis, a</p> <p>Certified Court Reporter, on the 13th day of</p> <p>May, 2022.</p> <p>REALTIME REPORTERS, LLC</p> <p>ANGELA L. CURTIS, CCR</p> <p>713 Lee Street</p> <p>Charleston, WV 25301</p> <p>(304) 344-8463</p> <p>realtimereporters.net</p>	<p>1 EXAMINATION INDEX</p> <p>2</p> <p>3 BY MS. THOMPSON . . . . . 6</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
<p>1 APPEARANCES:</p> <p>2</p> <p>3 APPEARING FOR THE PLAINTIFF:</p> <p>4 F. Alex Risovich, Esquire</p> <p>5 RISOVICH LAW OFFICES, PLLC</p> <p>6 3023 Pennsylvania Avenue</p> <p>7 Weirton, WV 26062</p> <p>8 Maureen Davidson-Welling</p> <p>9 STEMBER COHN &amp; DAVIDSON-WELLING, LLC</p> <p>10 The Hartley Rose Building</p> <p>11 425 First Avenue, 7th Floor</p> <p>12 Pittsburgh, PA 15219</p> <p>13</p> <p>14 APPEARING FOR THE DEFENDANTS:</p> <p>15 Chelsea E. Thompson, Esquire</p> <p>16 SPILMAN, THOMAS &amp; BATTLE, PLLC</p> <p>17 300 Kanawha Boulevard, East</p> <p>18 Charleston, WV 25301</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 EXHIBIT INDEX</p> <p>2 Exhibit 1 E-mail</p> <p>3 Exhibit 2 E-mail</p> <p>4 Exhibit 3 Schenkel 17 &amp; 18</p> <p>5 Exhibit 4 Schenkel 52-56</p> <p>6 Exhibit 5 Press Release</p> <p>7 Exhibit 6 Schenkel 13</p> <p>8 Exhibit 7 Schenkel 19-22</p> <p>9 Exhibit 8 Bates Number 95</p> <p>10 Exhibit 9 Bates Number 836</p> <p>11 Exhibit 10 Bates Number 1177</p> <p>12 Exhibit 11 Bates Number 1485</p> <p>13 Exhibit 12 Bates Number 1731</p> <p>14 Exhibit 13 Bates Number 14791</p> <p>15 Exhibit 14 Bates Number 2963</p> <p>16 Exhibit 15 Bates Number 16769</p> <p>17</p> <p>18 *Exhibits were marked prior to the deposition, thus</p> <p>19 are not reflected as such within this transcript.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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1                   **PROCEEDINGS**  
2                   **VIDEO OPERATOR:** This is the  
3 videotaped deposition of Elizabeth Schenkel taken  
4 by the defendants in the matter of Keith Reed, et.  
5 al. versus Alecto Healthcare Services, LLC., et.  
6 al. being civil action number 5:19-cv-263 in the  
7 U.S. District Court for the Northern District of  
8 West Virginia held via Zoom on this 13th day of May  
9 2022.

10                   My name is Chris Leigh and I'm the  
11 certified legal video specialist. The court  
12 reporter is Angie Curtis. We're now on the record.  
13 The time is approximately 10:08 a.m. Would counsel  
14 please introduce themselves and whom they  
15 represent?

16                   **MR. RISOVICH:** My name is Alex  
17 Risovich representing the plaintiffs and Elizabeth  
18 Schenkel.

19                   **MS. DAVIDSON-WELLING:** Maureen  
20 Davidson-Welling on behalf of Elizabeth Schenkel.

21                   **MS. THOMPSON:** Chelsea Thompson on  
22 behalf of the defendants and we have no objection  
23 to the deponent being sworn in remotely.

24                   **MR. RISOVICH:** Plaintiffs have no  
objection to the deponent being sworn in remotely

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1 either.

2                   **VIDEO OPERATOR:** Hearing no  
3 objections, would the court reporter please swear  
4 in the witness?  
5                   **ELIZABETH SCHENKEL**  
6 was called as a witness by the Defendants,  
7 pursuant to notice, and having been first duly  
8 sworn, testified as follows:

9                   **EXAMINATION**

10                   **BY MS. THOMPSON:**

11                   **Q.** Hello, Ms. Schenkel. My first  
12 question is am I pronouncing your last name  
13 correctly?  
14                   A. Yes, that's correct.

15                   **Q.** Okay. Thank you my name is Chelsea  
16 Thompson and I am one of the lawyers that  
17 represents the defendants in the lawsuit that  
18 you brought that we're here to talk about  
19 today and I'm going to be conducting today's  
20 deposition so I'm going to be the one asking  
21 the questions and it is your job today to  
22 answer truthfully under oath my questions,  
23 okay?  
24                   A. Yes.

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1                   **Q.** Before we jump into any of those questions,  
2 I just want to talk about some of the ground rules  
3 so that we're on the same page moving forward, all  
4 right?  
5                   A. Yes.

6                   **Q.** My first question is: Have you ever sat  
7 for a deposition before?  
8                   A. No.

9                   **Q.** Okay. The purpose of the deposition is to  
10 get your testimony down on the record. In order to  
11 do that, especially when we're doing this by Zoom,  
12 we have to make sure that I'm allowed to finish my  
13 question before you start an answer and I have to  
14 allow you to finish your answer before I ask a  
15 question, okay?  
16                   A. Yes.

17                   **Q.** We also have to make sure that all of our  
18 communication is verbal so that the court reporter  
19 can take it down. Neither of us can communicate  
20 with uh-huhs or uh-uhs or head shakes or head nods,  
21 anything like that. Does that sound fair?  
22                   A. Yes.

23                   **Q.** Since we are conducting this by Zoom, if  
24 there's ever a point where the internet cuts out or

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1 there's a lag or you can't hear me, please let me  
2 know immediately and we'll get it fixed, all right?  
3                   A. Okay.

4                   **Q.** If I ask a question and then you answer it,  
5 I'm going to assume that you heard me and you  
6 understood the question. Does that sound fair?  
7                   A. Yes.

8                   **Q.** Okay and while I don't think we'll be here  
9 very long, if you ever need a break while we're  
10 doing the deposition, simply ask for one, we'll  
11 accommodate that. The only stipulation would be if  
12 I've asked you a question you have to answer before  
13 we go on break, okay?  
14                   A. Yes.

15                   **Q.** Okay. Are you on any medications today  
16 that would affect your memory or prohibit you from  
17 giving truthful testimony?  
18                   A. No.

19                   **Q.** Do you know of any other circumstance that  
20 would, sitting here today, affect your memory or  
21 prohibit you from giving truthful testimony?  
22                   A. No.

23                   **Q.** Okay. Can you say and spell your full name  
24 for the record, ma'am?

Page 9

1 A. Elizabeth D. Schenkel. And it's  
 2 E-L-I-Z-A-B-E-T-H, middle initial D,  
 3 S-C-H-E-N-K-E-L.  
 4 **Q. And do you go by a shortened version of**  
 5 **your name?**  
 6 A. Yes, I go by Buffy.  
 7 **Q. Okay. You produced some text messages and**  
 8 **e-mails and they reference Buffy and I wanted to**  
 9 **make sure that that was referenced to you.**  
 10 A. Yeah.  
 11 **Q. Okay. What's your current address, ma'am?**  
 12 A. 6768 Logan Thornville Road Northeast,  
 13 Rushville, Ohio 43150.  
 14 **Q. How long have you lived at that address?**  
 15 A. Almost one year.  
 16 **Q. Where did you live prior to that?**  
 17 A. Wheeling.  
 18 **Q. Okay. Do you remember your address there**  
 19 **in Wheeling?**  
 20 A. 465 Lodge Drive, Oglebay Park, Wheeling,  
 21 West Virginia.  
 22 **Q. And how long were you at that address in**  
 23 **Wheeling to your memory, best of your memory?**  
 24 A. Twenty-nine years.

Page 10

1 **Q. Other than the lawsuit we're here to talk**  
 2 **about today, have you ever been party to any other**  
 3 **lawsuit?**  
 4 A. No.  
 5 **Q. Have you ever been convicted of a felony or**  
 6 **a crime that involves dishonesty?**  
 7 A. No.  
 8 **Q. Do you remember roughly the date you began**  
 9 **working at OVMC?**  
 10 A. Yes, I do.  
 11 **Q. What is that date?**  
 12 A. January 7th, 1980.  
 13 **Q. You remember a very specific date. That's**  
 14 **impressive. And I know you have a long career**  
 15 **there and I just want to get an idea of it. What**  
 16 **position were you first hired into on January 7th**  
 17 **of 1980?**  
 18 A. As a staff nurse.  
 19 **Q. Okay. And do you remember what position**  
 20 **you held after staff nurse?**  
 21 A. Eventually I became a charge nurse.  
 22 **Q. Okay. Do you remember when that change**  
 23 **occurred?**  
 24 A. Yes.

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1 **Q. Okay. When did that change occur where you**  
 2 **went from staff nurse to charge nurse?**  
 3 A. That was around December of 2010.  
 4 **Q. Okay. And was charge nurse the title you**  
 5 **held when your employment at OVMC ended?**  
 6 A. Yes.  
 7 **Q. Okay. What is the difference in the job**  
 8 **duties for a staff nurse versus a charge nurse?**  
 9 A. There's a lot more responsibility when  
 10 you're a charge nurse because you're responsible  
 11 for all the patients on the unit, not just the  
 12 patients you're assigned to.  
 13 **Q. Okay. Did the charge nurse position come**  
 14 **with some supervisory duties as well?**  
 15 A. Yes.  
 16 **Q. Would a staff nurse be in a position to**  
 17 **supervise other staff nurses?**  
 18 MR. RISOVICH: Objection to form.  
 19 **Q. You can still answer the question.**  
 20 A. Okay. Yes, sometimes.  
 21 **Q. What other job duties would you have as a**  
 22 **charge nurse, ma'am?**  
 23 A. Communicating with doctors, you know,  
 24 calling for orders or calling them to tell about a

Page 12

1 patient's change in status or need for something.  
 2 Communicating with other departments to do  
 3 scheduling or call for an x-ray or lab work or that  
 4 sort of thing.  
 5 Then reviewing new orders and letting the staff  
 6 nurses know about those new orders and also helping  
 7 the staff nurses, educating them on things they  
 8 didn't know. Using my expertise to help them  
 9 become better nurses and do better patient care.  
 10 Things like that.  
 11 **Q. Okay. Is there more than one charge nurse?**  
 12 A. Yes.  
 13 **Q. Is there -- is there usually more than one**  
 14 **charge nurse on any given shift?**  
 15 A. No.  
 16 **Q. Okay. Do you have any idea how many other**  
 17 **charge nurses there were? Well, that's not a fair**  
 18 **question. Let me ask this first: Were you**  
 19 **assigned to a specific department at OVMC when you**  
 20 **were a charge nurse?**  
 21 A. Yes.  
 22 **Q. What department were you assigned to as a**  
 23 **charge nurse?**  
 24 A. Intensive care.

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1 Q. Was that throughout the roughly nine years  
 2 that you were a charge nurse, it was always the  
 3 ICU?  
 4 A. Correct.  
 5 Q. Okay, so a better question would be do you  
 6 know how many charge nurses there were assigned to  
 7 the ICU in, say, 2019?  
 8 A. Yes.  
 9 Q. Okay. How many were that?  
 10 A. Three.  
 11 Q. Okay, but only one of you would be working  
 12 at any given time; correct?  
 13 A. Correct.  
 14 Q. Okay. Did you work the same shift each  
 15 week?  
 16 A. Yes, I did.  
 17 Q. What was your usual schedule in 2019?  
 18 A. I was always scheduled three 12 hour shifts  
 19 and if we were busy I frequently worked one or two  
 20 extra shifts. Plus I did payroll, so, you know, I  
 21 went into the hospital to do that on my, you know,  
 22 on a day off usually before payroll is due.  
 23 Q. Okay. Talk to me about your work with  
 24 payroll. Is that something included in your duties

Page 14

1 as a charge nurse or something separate?  
 2 A. That was separate.  
 3 Q. Okay. How did you come to be performing  
 4 payroll functions at OVMC?  
 5 A. I was asked to do it by a previous ICU  
 6 manager just to divide up the duties and that was  
 7 pretty typical, you know, each charge nurse had  
 8 other duties that we performed in addition to our  
 9 clinical work.  
 10 Q. Okay. So to your knowledge were the other  
 11 two charge nurses that were assigned to the ICU in  
 12 2019 also completing payroll duties?  
 13 A. No.  
 14 Q. Okay. Can you think of an example of one  
 15 of the non clinical duties that one of the other  
 16 ICU nurses might have been completing in 2019?  
 17 A. Yes. Education and scheduling.  
 18 Q. Okay. Other than the payroll duties, were  
 19 there any other non clinical duties that you  
 20 performed as a charge nurse in 2019?  
 21 A. No, I don't think so.  
 22 Q. Okay. Can you explain to me what your  
 23 payroll duties encompassed?  
 24 A. Just making sure that everyone who was

Page 15

1 working had signed in and signed out, that we  
 2 compensated them fairly if they did not get a lunch  
 3 break because of workload, that they got  
 4 compensated for the time they spent doing  
 5 continuing education. Sometimes if they forgot to  
 6 sign in or out, you know, I'd have to call them and  
 7 say what time, things like that.  
 8 Q. Okay. And when you were performing those  
 9 services, was it limited to what employees? Was it  
 10 across the hospital or limited to the ICU?  
 11 A. Just the ICU.  
 12 Q. Was it limited to the nurses in the ICU?  
 13 A. It was the ICU staff so the secretaries and  
 14 the aides also if we had them.  
 15 Q. Okay. Did you not always have a secretary  
 16 or aide in the ICU in 2019?  
 17 A. Not always.  
 18 Q. Okay. Did you have to submit any reports  
 19 as part of your payroll duties?  
 20 A. No.  
 21 Q. Okay. So if someone in the ICU had a  
 22 question about their payroll or their paycheck,  
 23 were you the person they would come to to ask that  
 24 question?

Page 16

1 A. Yes.  
 2 Q. And do you remember roughly when you  
 3 started performing those payroll duties?  
 4 A. No, I don't.  
 5 Q. Do you know if it was before January 1st,  
 6 2019?  
 7 A. Yes. It was.  
 8 Q. Who was responsible for creating the  
 9 schedules for the ICU?  
 10 A. One of the other charge nurses, Carol  
 11 Moscato.  
 12 Q. Okay and I know you said you typically  
 13 worked at least three 12 hour shifts. Were those  
 14 the same three days a week?  
 15 A. No.  
 16 Q. Were those always day shifts or always  
 17 night shifts or mixed?  
 18 A. It was always the 7:00 a.m. to 7:00 p.m.  
 19 shift.  
 20 Q. Okay. On that day shift, how many staff  
 21 nurses would usually be working with you in 2019?  
 22 A. That depended on how many patients there  
 23 were.  
 24 Q. Okay. As a charge nurse, would you ever

Page 17

1 float to other departments to work there for a  
2 shift?  
3 A. Rarely.  
4 Q. Was floating something that was usually  
5 reserved for staff nurses?  
6 A. Yes.  
7 Q. And when you went in to perform your  
8 payroll services you would clock in for that;  
9 correct?  
10 A. Correct.  
11 Q. Were you a salaried member, ma'am, or were  
12 you paid hourly?  
13 A. Hourly.  
14 Q. Do you remember what your hourly wage was  
15 when you -- when your employment ended at OVMC?  
16 A. I believe it was 34.45.  
17 Q. And did you have health insurance through  
18 your employment at OVMC, ma'am?  
19 A. Yes.  
20 Q. Do you remember when you had health  
21 insurance coverage begin or end?  
22 A. Entirely you mean?  
23 Q. No. Let me narrow it down. In 2019 do you  
24 remember when your health insurance coverage ended?

Page 18

1 A. Yes.  
2 Q. What was the date that your health  
3 insurance coverage ended in 2019?  
4 A. The end of October 2019.  
5 Q. So until the end of October were you able  
6 to use that health insurance in any way you needed?  
7 A. Yes.  
8 Q. Okay. Did you have dental or vision  
9 insurance through your employment at OVMC?  
10 A. Yes.  
11 Q. Which one?  
12 A. I know for sure I had dental. I'm pretty  
13 sure I had the vision also.  
14 Q. Okay. Do you remember when your dental  
15 insurance coverage ended in 2019?  
16 A. Yes.  
17 Q. What date was that?  
18 A. End of October.  
19 Q. Of 2019?  
20 A. Yes.  
21 Q. So you're able to use your dental insurance  
22 in any way you needed through the end of October  
23 2019; correct?  
24 A. Correct.

Page 19

1 Q. Okay. And for your vision insurance, do  
2 you remember when that coverage ended in 2019?  
3 A. Yes, at the end of October also.  
4 Q. Okay. So you also would have been able to  
5 use your vision insurance through that October date  
6 if you needed to; correct?  
7 A. Correct.  
8 Q. Okay. Did you have any other types of  
9 insurance through your employment at OVMC?  
10 A. No, I don't think so.  
11 Q. Did you have a 401k or retirement plan  
12 through your employment there, ma'am?  
13 A. Yes.  
14 Q. Okay. Can you explain to me what  
15 retirement plan you had there?  
16 A. It was pension savings plan.  
17 Q. Was that one that you would contribute  
18 money to?  
19 A. Yes.  
20 Q. And did you have that -- did you have that  
21 retirement plan in 2019?  
22 A. Yes.  
23 Q. Did you have a flexible spending account  
24 associated with your employment at OVMC?

Page 20

1 A. Yes, I did.  
2 Q. Do you know the last date you were able to  
3 use the funds in your flexible spending account?  
4 A. I don't remember.  
5 Q. As a charge nurse, did you have any paid  
6 time off that, you know, was available to you?  
7 A. Yes.  
8 Q. Can you explain to me how that worked?  
9 A. That worked, it was time accrued based on  
10 your length of service and your wages, so since I  
11 had worked there for so long, I accrued at a  
12 certain rate based on that length of employment.  
13 Q. And then that paid time off would be paid  
14 at your current rate whenever you took that time  
15 off?  
16 A. Yes.  
17 Q. What was the process for putting in paid  
18 time off?  
19 A. When you wanted a vacation or you wanted  
20 time off, you actually scheduled it with Carol so  
21 that if you knew you were taking a vacation or you  
22 knew you needed a day off you -- that went actually  
23 onto the schedule and then when I did payroll, I,  
24 you know, I paid the person based on what was on

Page 21

1 the schedule.

2 **Q. Okay.**

3 A. And if they had called off sick and they

4 had paid time off, I used that to pay them for that

5 day or if they got put on call or, you know, got

6 the day off because of low census or some, you

7 know, something like that, then I gave them the

8 choice of using their time off or taking it without

9 pay.

10 **Q. Okay. Part of your payroll duties were you**

11 **actually, well, did they go by direct deposit or**

12 **was it still cutting live checks at that point?**

13 A. It was the employee's choice.

14 **Q. Okay. How often was an employee in the ICU**

15 **being sent home because of low patient census in**

16 **2019?**

17 A. By summer quite frequently.

18 **Q. Okay. What about prior to summer?**

19 A. We would have slow periods off and on where

20 that would happen, but then we'd have very, very

21 busy periods also where we'd be calling people in.

22 **Q. We have that in my profession too. We call**

23 **it feast or famine.**

24 A. Right.

Page 22

1 **Q. Okay. Would it be part of your duties as**

2 **charge nurse to inform the staff nurses on your**

3 **shift whether or not they were going to be staying**

4 **home due to patient census?**

5 A. It was usually the next shift. We were

6 calling the people from the next shift to tell

7 them.

8 **Q. So since you worked day shift you would**

9 **have likely been calling the night shift to tell**

10 **them?**

11 A. Correct.

12 **Q. Okay. Would you also have been contacting**

13 **staff nurses to tell them they would float to**

14 **another department for the shift after yours?**

15 A. No.

16 **Q. How far did the process for floating staff**

17 **nurses work?**

18 A. We kept a record in a book of when people

19 were required to go to a different unit and then it

20 was a rotating, a rotating thing so that if that

21 person got pulled on a Tuesday and worked again on

22 Wednesday they did not get pulled again on

23 Wednesday, someone else got pulled on Wednesday.

24 **Q. Okay.**

Page 23

1 A. And that was recorded so that nobody got --

2 nobody was the one that got pulled all the time.

3 **Q. Okay. No, that sounds very fair. And my**

4 **understanding is that staff nurses in the ICU would**

5 **float to other departments when patient census was**

6 **low; correct?**

7 A. Correct.

8 **Q. And how often in the beginning of 2019**

9 **before summer were ICU staff nurses being floated**

10 **to other departments?**

11 A. I don't recall. It would have been based

12 on the other department census and ours.

13 **Q. How would you coordinate that float,**

14 **whether -- like, I'm trying to understand how you**

15 **would know that the surgery department had a lot of**

16 **people and you needed to float someone over there.**

17 **How did that process, that communication, work?**

18 A. Via the nursing supervisor.

19 **Q. Okay. Who's the nursing supervisor?**

20 A. Well, it was usually the different nursing

21 managers on day shift or a nursing coordinator.

22 That's what they called it there, not supervisors,

23 coordinators. And then on the -- as a 3:00 p.m.

24 usually there was a scheduling nursing

Page 24

1 coordinator --

2 **Q. Okay.**

3 A. -- who did that.

4 **Q. And they, for lack of a better term, would**

5 **act as a middleman between the different**

6 **departments about nursing needs?**

7 A. Correct.

8 **Q. Okay. Who was the nursing manager for the**

9 **ICU?**

10 A. Cindy Bruno was our last nursing manager.

11 **Q. And would other departments have a separate**

12 **nursing manager?**

13 A. Some of them. Some shared.

14 **Q. Would Cindy Bruno have been your direct**

15 **supervisor?**

16 A. Yes.

17 **Q. So if you would have had any questions or**

18 **problems with your employment, was she the first**

19 **person you would have spoken to about it?**

20 A. Yes.

21 **Q. Were you working along side certain people**

22 **when you were performing your payroll duties**

23 MR. RISOVICH: Object to form. Vague.

24 You can answer.

Page 25

1 A. I'm sorry?

2 Q. He made an objection. It's okay. I'll

3 rephrase my question. Was there a dedicated

4 accounting or payroll department at OVMC that

5 you're aware of?

6 A. Yes, there was.

7 Q. Okay. When you were performing your

8 payroll duties, were you doing it along side the

9 individuals in that accounting or payroll

10 department?

11 A. You mean physically along side of them?

12 Q. No, ma'am. Let me rephrase it this way:

13 Did you have a different supervisor whenever you

14 were performing your payroll duties?

15 A. No.

16 Q. If you had a question about something that

17 arose during your payroll duties, who would you

18 have gone to to ask questions?

19 A. The payroll department.

20 Q. Okay. Who's in the payroll department?

21 A. Her name was Nancy Newman.

22 Q. Okay. And she is located on the hospital's

23 complex; right?

24 A. Yes.

Page 26

1 Q. Okay. I guess this is a fair question:

2 When you're performing your payroll duties, is that

3 something you can physically do from the ICU or did

4 you have to do it from another place in the

5 hospital?

6 A. I did it from the ICU.

7 Q. How often was Cindy Bruno in the ICU in the

8 2019 time period?

9 A. She was there everyday.

10 Q. Okay. So she was available if you had any

11 questions; correct?

12 A. Correct.

13 Q. Okay. Do you know if she was responsible

14 for any departments other than the ICU?

15 A. Yes.

16 Q. What other departments was she in charge of

17 other than the ICU?

18 A. The telemetry care unit, 4th floor.

19 Q. Any others that you know?

20 A. No.

21 Q. Do you know whether or not the hospital has

22 a type of employment that's called casual

23 employment?

24 A. Yes.

Page 27

1 Q. Okay. Do you know, first, do you have any

2 personal knowledge of anyone at the hospital that

3 worked under casual employment?

4 A. Yes.

5 Q. How many people do you know that worked

6 under casual employment?

7 A. I don't recall the number.

8 Q. What was your understanding of what casual

9 employment entailed?

10 A. They worked for a higher rate of pay, but

11 no benefits and no accrued time off. No accrued

12 paid time off.

13 Q. Okay. Do you know if there was a type of

14 employment at OVMC called per diem?

15 A. No.

16 Q. Did you know if there was temporary

17 employment at OVMC?

18 A. Yes.

19 Q. What was your understanding of what

20 temporary employment meant?

21 A. Those were the travelers that we hired to

22 fill staffing needs.

23 Q. Did you ever have any of those temporary

24 employees in the ICU when you were a charge nurse?

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1 A. Yes.

2 Q. Do you remember if you had in 2019?

3 A. Yes, we did.

4 Q. How long would a traveling -- how long

5 would those temporary employees be working in the

6 ICU on average?

7 A. It was usually a 13 week commitment.

8 Q. And then after their 13 weeks ended they

9 would not be working there anymore?

10 A. Correct.

11 Q. Would you -- to your recollection, did you

12 have more than one of the traveling nurses in the

13 ICU at any given time?

14 A. Yes.

15 Q. Do you remember how many of the traveling

16 nurses you had in the ICU at the beginning of 2019?

17 A. No, I don't.

18 Q. Okay. Have you heard of the term

19 contingency employment at OVMC?

20 A. Yes.

21 Q. What's your understanding of what

22 contingency employment is?

23 A. That I sort of think of as interchangeable

24 with the casual.

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1 Q. Okay. Were you aware if there was an  
2 employment category where they only called in  
3 people when they were needed and they didn't have  
4 any guaranteed hours?  
5 MR. RISOVICH: Object to the form.  
6 Compound. You can answer the question.  
7 A. I don't recall that.  
8 Q. Okay. Do you recall working any overtime  
9 in 2019, ma'am?  
10 A. I did work overtime. I can't tell you  
11 when.  
12 Q. Okay. Maybe a better question is: Do you  
13 remember how often you would be working overtime as  
14 a charge nurse?  
15 A. That depended on census and workload.  
16 Q. As an hourly employee, were you required to  
17 clock in and clock out somehow?  
18 A. Yes.  
19 Q. Okay. How did that process work?  
20 A. We had a time clock on our, on the ICU and  
21 we either used a fingerprint or a password to get  
22 in and indicate, you know, that we were arriving or  
23 leaving.  
24 Q. Okay. Was this done -- so this wasn't

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1 something you had to log in on a computer and do;  
2 is that right?  
3 A. Not at the end.  
4 Q. What do you mean at the end? What time  
5 period are you talking about?  
6 A. When Alecto came we got the JBDev system.  
7 Before that it was logging on a computer.  
8 Q. Okay and when you were describing the  
9 fingerprint or the log in, you were talking about  
10 the JBDev system?  
11 A. Correct.  
12 Q. Okay and you, I'm assuming the JBDev system  
13 is also what you were looking at when you were  
14 doing your payroll duties; is that right?  
15 A. Yes.  
16 Q. Okay. How did you first come to learn that  
17 OVMC was going to be closing?  
18 A. Through the announcement on August 7th.  
19 Q. Break that down a little bit. Do you  
20 remember who told you that the hospital would be  
21 closing on August 7th?  
22 A. I don't remember the person, the exact  
23 person, no.  
24 Q. Okay. Let's try this: Were you in a

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1 meeting whenever you learned this with other OVMC  
2 employees, let me put it that way?  
3 A. I was actually on my way to the meeting and  
4 apparently it was already over and so I was on the  
5 elevator and people got on the elevator and told  
6 me.  
7 Q. Okay. Let's try this: I'm going to  
8 introduce as Exhibit 1 defendants' Bates Number  
9 33416. Ma'am, the way this going to work is I'm  
10 going to pull up a .pdf on my screen and share it  
11 with you so you're able to read the document we're  
12 talking about on the computer, okay?  
13 A. Okay.  
14 Q. And I'm going to let you read through each  
15 document entirely and then when you're done let me  
16 know and then we can talk about it.  
17 A. Okay.  
18 Q. So let me pull this up real quick. I'm  
19 going to share my screen with you, ma'am.  
20 A. All righty.  
21 Q. Let me know when you see what looks to be  
22 the start of an e-mail.  
23 A. I see that.  
24 Q. Okay. Please read through this and let me

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1 know and I'll scroll down to the last little bit so  
2 that you can read it all.  
3 A. Okay. I can't see the very, very edge of  
4 the top two sentences where it says "I realize if  
5 there's any --"  
6 Q. Let me see if I can --  
7 A. It might just be one word missing like --  
8 Q. Here, if I zoom out, does that help at all?  
9 Let me see if I can zoom out.  
10 A. Okay. "I realize it is short notice," yes.  
11 Q. There you go.  
12 A. Okay. I'm done.  
13 Q. Okay. If you want to you can read -- oh,  
14 I'm sorry, I'm zooming out more. Hold on. That  
15 was awful. Okay. If you want you can read the  
16 bottom of this. It's just a confidentiality  
17 notice. You're free to read it before we talk  
18 about it. It's up to you, but I won't ask any  
19 questions about that.  
20 A. Okay.  
21 Q. All right. My first question, ma'am, is:  
22 Do you remember receiving an e-mail like this?  
23 A. Yes, I do.  
24 Q. Okay. Were you assigned an e-mail address

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1 from OVMC to use for work?  
2 A. Yes.  
3 Q. Do you remember what that e-mail address  
4 was?  
5 A. I do not.  
6 Q. Do you remember whether it would have had  
7 the same ending here, @ovrh.org?  
8 A. Yes.  
9 Q. And this e-mail is addressed to all mail  
10 users at ovrh.org; correct?  
11 A. Correct.  
12 Q. Okay. Is this the meeting you said -- do  
13 you believe that this 5:30 meeting that's explained  
14 in this e-mail was the one you were heading to when  
15 you spoke of it earlier?  
16 A. Yes.  
17 Q. Okay and I believe you said you were in the  
18 elevator and someone told you the meeting was over?  
19 A. Yes.  
20 Q. Okay. Tell me what you remember about that  
21 discussion in the elevator.  
22 A. Well, it was a very full elevator. I was a  
23 little late getting there because I was driving  
24 from Pittsburgh and so I got on the elevator, went

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1 up to the correct floor and when the elevator  
2 opened, a whole lot of people got on very glum  
3 faced and said we're both closing, meaning both  
4 hospitals.  
5 Q. Anything else you remember from that  
6 conversa -- well, those conversations in the  
7 elevator?  
8 A. Just how shell shocked everyone looked.  
9 Q. Okay. What did you do then since you had  
10 missed the meeting?  
11 A. I went -- I stayed on the elevator and went  
12 back to ICU.  
13 Q. What did you do when you got to the ICU  
14 that day?  
15 A. Just sort of commiserated with the people  
16 that were there working.  
17 Q. Do you remember any specific discussions?  
18 A. No, only that it was closing.  
19 Q. Did you have any understanding, based on  
20 your discussions with those employees, when the  
21 closure was scheduled to occur?  
22 A. Sixty to ninety days.  
23 Q. And based on those conversations, did you  
24 understand that it was going to permanently close

Page 35

1 the hospitals?  
2 A. Yes.  
3 Q. Okay. I'm going to stop sharing my screen  
4 with you, ma'am, and I'm going to show you another  
5 e-mail that comes later that day. It's going to be  
6 Exhibit 2 is Bates Number defendants' 6707. I'm  
7 going to pull up a new e-mail for you to look at,  
8 ma'am, okay?  
9 A. All right.  
10 Q. Bear with me while it loads. All right.  
11 I'm going to share my screen with you again and  
12 you'll see an e-mail pop up. Can you see that?  
13 A. Yes. I can't read the end of the sentences  
14 though, so if you could --  
15 Q. Yes, ma'am, I'll zoom out once.  
16 A. Zoom it one time.  
17 Q. Is that enough?  
18 A. Just zoom it more time, please.  
19 Q. Is that all right?  
20 A. There we go. Yes.  
21 Q. All right. Here, I'll scroll down. That's  
22 the e-mail I'm going to ask you about so please  
23 read it and when you're done reading all of it  
24 we'll talk about it.

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1 A. Okay.  
2 Q. My first question is: Do you remember  
3 receiving this e-mail?  
4 A. Yes.  
5 Q. Okay and it's listed as the date of August  
6 7th as well but later that day at 7:00 p.m.;  
7 correct?  
8 A. Correct.  
9 Q. Okay. And it has here the same information  
10 you just testified to with the closure process  
11 usually takes 60 to 90 days; right?  
12 A. Yes.  
13 Q. And it says that attached to this e-mail  
14 will be the first draft of frequently asked  
15 questions. Do you remember receiving a copy of  
16 some frequently asked questions for employees?  
17 A. Yes.  
18 Q. Do you remember receiving the press release  
19 that's referenced here in this e-mail?  
20 A. I don't remember if I received it or saw it  
21 in the newspaper.  
22 Q. Okay. That's fair. I'll stop sharing my  
23 screen. I have one more question for you. I'm  
24 sorry. I'm going to pull up that first e-mail we

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1 looked at, Exhibit 1.  
2 I know you said you missed the 5:30 meeting on  
3 August 7th, but I'm going to share my screen with  
4 you real quick so we can be on the same page. The  
5 e-mail that came that day on 1:07 p.m., do you see  
6 it on your screen now, ma'am?  
7 A. Yes.  
8 Q. Okay. It lists out some other times the  
9 next two days that there would be employee forums;  
10 correct?  
11 A. Correct.  
12 Q. Do you remember if you attended any of  
13 those employee forums?  
14 A. Yes.  
15 Q. Okay. Do you remember who was leading the  
16 meeting at that employee forum?  
17 A. I do not.  
18 Q. Do you remember any of the topics that were  
19 discussed at the employee forum that you attended?  
20 A. Not specifically, no. It's mostly just  
21 people asking questions.  
22 Q. Did you ask any questions during that  
23 employee forum?  
24 A. I don't believe I did.

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1 Q. Do you remember if you received any  
2 documents at that employee forum?  
3 A. I don't recall.  
4 Q. Okay. I'll stop sharing my screen now. In  
5 this lawsuit we traded documents and information  
6 back and forth and I want to talk to you about a  
7 couple of the documents that you produced so that  
8 we can talk about them.  
9 The next exhibit I'd like to introduce is going  
10 to be Schenkel 17 to 18. That's going to be  
11 Exhibit 3. I'll go ahead and zoom out for you a  
12 little bit, ma'am. I'm going to share my screen  
13 with you and you let me know when you see the  
14 headers for EORH and OVMC.  
15 A. Okay.  
16 Q. Can you see those words fully or do I need  
17 to zoom out some?  
18 A. It looks like I can read it completely.  
19 Q. Okay. I want you to go ahead and read  
20 this. I'll scroll down as you tell me and when  
21 you've read it completely we can talk about it.  
22 A. Okay. Okay, you can scroll down, please.  
23 Q. Yes, ma'am.  
24 A. Okay, you can scroll down. Okay.

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1 Q. There is a second page so I'll go ahead and  
2 pull that up.  
3 A. Okay. Okay. Okay.  
4 Q. And that's the bottom.  
5 A. Okay.  
6 Q. All right. I'm going to scroll back to the  
7 top. I want to talk to you about a couple of the  
8 things in this document. The first is you had  
9 produced this in discovery. Do you remember how  
10 you got this document?  
11 A. I think they were mailed to us. Or given  
12 at the meeting. I don't recall how I got it, but I  
13 do remember getting it.  
14 Q. Okay. Do you remember reading it when you  
15 got it?  
16 A. Yes.  
17 Q. Okay. I'm going to scroll down here to  
18 look at one of these. They're not numbered, but  
19 the question I'm looking at here says "Is it  
20 certain the hospitals will close on October 7th,  
21 2019?"  
22 And the answer states "No. If a viable buyer  
23 comes forward, that date could be pushed back or  
24 even cancelled. However, at this time the

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1 hospitals have no offer to purchase from any party  
2 and is beginning the closure process." Did I read  
3 that correctly?  
4 A. Yes.  
5 Q. My question for you is: Do you have any  
6 personal knowledge about any efforts to find a  
7 buyer for the hospital in 2019?  
8 A. No.  
9 Q. Did you ever talk to a member of management  
10 about whether -- trying to find a buyer for OVMC in  
11 2019?  
12 A. No. Well, it was something that was  
13 discussed frequently in the hospital just among  
14 employees.  
15 Q. Okay. Okay. But is it fair to say then  
16 that upper management of the hospital was not  
17 someone you were talking to about potential buyers  
18 or investors; right?  
19 A. Not personally.  
20 Q. Okay. I'm going to scroll down here to  
21 another section where it asks about unemployment  
22 compensation. Did you apply for unemployment at  
23 any point in August, September or October of 2019?  
24 A. Not in those months, no.

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1 Q. Okay. When did you apply for unemployment?  
2 A. I believe it was in November.  
3 Q. Do you remember why you applied for  
4 unemployment in November of 2019?  
5 A. As opposed to earlier?  
6 Q. Yeah, why that date? Why was it November  
7 instead of December or October 2019?  
8 A. Well, we had a family vacation in October  
9 and so I know I wouldn't have done the application  
10 until after we got back from that, so it could have  
11 been in late October, but I think it was November.  
12 Q. Okay. When were you on that family  
13 vacation in October?  
14 A. From maybe October 5th until the -- it was  
15 about two weeks, so maybe the 16th, 17th, 18th,  
16 somewhere in there.  
17 Q. Where did you go for that vacation?  
18 A. Hilton Head.  
19 Q. Still never been there. Someday. Okay.  
20 So when you applied for unemployment in November of  
21 2019, that would have been for total unemployment;  
22 correct?  
23 A. Correct.  
24 Q. Okay. I'm looking on the second page,

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1 ma'am, do you see that?  
2 A. Yes.  
3 Q. Do you see it asks a question about health  
4 insurance coverage? "What happens to my health  
5 insurance coverage?"  
6 A. Yes.  
7 Q. And the answer states that "Medical, dental  
8 and vision insurance coverage continues until the  
9 end of the month that you separated employment from  
10 the hospital;" correct?  
11 A. Correct.  
12 Q. Okay and I believe you stated earlier that  
13 those all ended at the end of October of 2019;  
14 right?  
15 A. Correct.  
16 Q. Okay. And then I'm going to scroll up a  
17 little bit. It has a question here that asked  
18 "What if I choose to quit my job?" And then it has  
19 an answer.  
20 My question for you is: After this date of  
21 August 7, 2019, were you aware of any employees at  
22 OVMC who left their jobs and started a new job in  
23 August of 2019?  
24 A. Yes.

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1 Q. Who do you specifically remember starting a  
2 a new job in August of 2019?  
3 A. Off the top of my head I don't remember. I  
4 would have to look at the schedule and to see who  
5 it was, but people did leave.  
6 Q. And are these people in the ICU or are  
7 there people beyond the ICU?  
8 A. It was throughout the hospital.  
9 Q. As a charge nurse, would any of the staff  
10 nurses or secretaries or aides in ICU have to come  
11 to you and report to you if they were starting a  
12 job elsewhere?  
13 A. They didn't have to, no.  
14 Q. Did anybody come and tell you that though?  
15 A. Yes.  
16 Q. Okay. Who came to you and said that they  
17 were starting a job elsewhere in August of 2019?  
18 A. Again, I don't remember exactly who. I  
19 would have to look at a list of employees to jog my  
20 memory.  
21 Q. Okay. Do you remember a number, was it one  
22 or more than one?  
23 A. I'm pretty sure it was more than one.  
24 Q. Do you have any idea what number it was,

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1 even a ballpark?  
2 MR. RISOVICH: Object to form. Vague.  
3 You can answer.  
4 A. I do not, not off the top of my head.  
5 Q. Okay.  
6 MR. RISOVICH: Chelsea, is there any  
7 way we could take like a five minute break?  
8 MS. THOMPSON: Yeah, I don't think I  
9 have a question out.  
10 MR. RISOVICH: Okay.  
11 MS. THOMPSON: Yeah, it's 11:00  
12 o'clock. You need only five minutes?  
13 MR. RISOVICH: Five or ten. How about  
14 ten? Is that okay?  
15 MS. THOMPSON: Sure. We'll come back  
16 at 11:10.  
17 MR. RISOVICH: Thanks. Appreciate  
18 that.  
19 MS. THOMPSON: Thank you all.  
20 VIDEO OPERATOR: Time is 11:02 a.m.  
21 We're off the record.  
22 (A brief recess was taken after which  
23 the deposition continued as follows:)  
24 VIDEO OPERATOR: The time is

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1 11:12 a.m. We're on the record.  
2 BY MS. THOMPSON:  
3 Q. Ma'am, do you understand you're still under  
4 oath even though we took a short break?  
5 A. Yes.  
6 Q. Okay. I believe just before the break you  
7 had said if you had a schedule or a list of the  
8 employees it might help refresh your memory. You  
9 did produce one or two schedules in discovery and  
10 I'd like to show those to you now to see if that  
11 will help you remember, okay?  
12 A. Okay.  
13 Q. So my Exhibit Number 4 is going to be Bates  
14 number Schenkel 52 to 56 and I'm going to share my  
15 screen with you, ma'am. You let me know when you  
16 see a schedule pop up.  
17 A. All right.  
18 Q. Do you see that?  
19 A. Yes, but not in the entirety.  
20 Q. Okay. I'll zoom out. Is that better?  
21 A. Yes. I think you need to make it a little  
22 smaller, please.  
23 Q. How's that?  
24 A. Okay.

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1 Q. Okay. This is a schedule that you produced  
2 in discovery and I want to ask you a couple  
3 questions. The first is: Do you see in the sort  
4 of upper left corner I think it says 8-11?  
5 A. Yes.  
6 Q. Is that for -- is that the date of  
7 8-11-2019?  
8 A. I don't see the 2019 there, but I'm -- that  
9 looks like it would be.  
10 Q. Okay. And you -- I want you to look over  
11 the list of RNs that are listed here and tell me if  
12 that refreshes your memory about who you -- who  
13 left their employment at OVMC in 2019, specifically  
14 August, to start a new job?  
15 A. Caitlyn Barbarosso, Nikala Bugay, Morgan  
16 Dowler, Bianco White, Jess Cunningham, Chris  
17 Frankart, Natasha Grant. The other people below,  
18 Jazzy Haloszka, were people who worked in the ICU  
19 when we needed them. They weren't actually ICU  
20 employees. They worked regular ICU staff.  
21 Q. Okay. So you said from Jazzy Halo -- how  
22 do you say the last name, I'm sorry?  
23 A. Haloszka.  
24 Q. -- Haloszka down were people who may be

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1 assigned to work in the ICU, but were not there all  
2 the time. Is that fair?  
3 A. Correct.  
4 Q. Were those people from her name down  
5 assigned regularly to other parts of the hospital?  
6 A. Some of them.  
7 Q. The ones who were not assigned to other  
8 parts of the hospital, how did their employment  
9 work?  
10 MR. RISOVICH: Object to form. Vague.  
11 A. They were contingent.  
12 Q. Okay. Those were the contingent you talked  
13 about. Okay. Do you recognize, do you know out of  
14 those names who was a contingent employee?  
15 A. Patrick Quinlin, Shannon Quinlin, Anna  
16 Trubiano and Melissa Houck.  
17 Q. Okay. And previously you listed off people  
18 who had left employment in August of 2019. You  
19 would likely know that also because of your payroll  
20 duties; right?  
21 A. Yes.  
22 Q. You would be accessing timecards and  
23 therefore would know when people either did or did  
24 not clock in?

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1 A. Correct.  
2 Q. Was any of your payroll duties to go into  
3 the timecards and note that someone had left their  
4 job?  
5 A. No.  
6 Q. Okay. And was the schedule like this  
7 passed out to everybody; right, so they would see  
8 what everybody's schedule was for those days?  
9 A. Correct.  
10 Q. And this is specific to the ICU; right?  
11 A. Yes.  
12 Q. I just want to ask you what some of the  
13 things here mean. Next to your name the first week  
14 it says 8-11 it has an A with a star next to it.  
15 What does that mean?  
16 A. That I was in charge.  
17 Q. Okay and does the A mean an a.m. shift?  
18 A. Correct.  
19 Q. Okay, so if you go up I see Julie McDonald  
20 has a P with an asterisks. Does that mean she was  
21 in charge on the night shift?  
22 A. Correct.  
23 Q. I assume V means vacation?  
24 A. Yes.

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1 Q. What does PO mean? Looking particularly at  
2 Caitlyn Barbarosso. She has AO and PO and I don't  
3 know what that means.  
4 A. Those are orientation days.  
5 Q. Okay and then if it's a P or an A without  
6 an asterisks, I'm assuming that's a staff nurse  
7 that's not in charge, but working either the day or  
8 night shift?  
9 A. Correct.  
10 Q. Okay. What does it mean if there's a D  
11 there? I'm looking at like Shelly -- yeah.  
12 A. That she's just working the day shift,  
13 7:00 a.m. to 3:00 p.m.  
14 Q. Okay, so she's not work --  
15 A. Instead of 12 hours.  
16 Q. Okay. And what would an R mean? I'm  
17 looking at -- I'm sorry?  
18 A. That's a request.  
19 Q. A request for someone to work or request to  
20 not work?  
21 A. It's that employee's request to not work on  
22 a certain day.  
23 Q. Okay. Okay. Thank you. You clarified a  
24 lot of that for me. I appreciate it. Oh, wait,

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1 here at the bottom, is this a tally where it says  
2 up on the column it's like 7:00 A to 11:00 A and  
3 then it has a row of numbers, a lot of 2s or 3s.  
4 Do you see where I'm referencing?  
5 A. Yes.  
6 Q. Is that how many nurses would be working  
7 for that particular shift?  
8 A. Correct.  
9 Q. So where it says, like, 8-11, the 7:00 a.m.  
10 to 11:00 a.m. shift looks like it had two nurses.  
11 The 11:00 a.m. to 3:00 p.m. shift had two nurses  
12 and the 3:00 p.m. to 7:00 p.m. shift also had two  
13 nurses. Am I reading that right?  
14 A. Correct.  
15 Q. Okay. Thank you very much. That was very  
16 helpful. Okay. I'm going to show you, I'm going  
17 to introduce as Exhibit 5 a press release and see  
18 if you've ever seen it before. So Exhibit Number 5  
19 is going to be Bates number defendants' 67011. Let  
20 me get this pulled up for you, ma'am, okay?  
21 A. Okay.  
22 Q. Let me know when you see the hospital  
23 headers there. Do you see that?  
24 A. Yes.

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1 Q. I'm going to zoom out one more. Can you  
2 see the entire page?  
3 A. Yes, I can.  
4 Q. Okay. Please read through this and I'll  
5 scroll down when you're ready so we can talk about  
6 it when you finished the document?  
7 A. All right. Okay.  
8 Q. I'm going to scroll down.  
9 A. Okay.  
10 Q. And that's the last.  
11 A. Okay.  
12 Q. Okay. I'm going to scroll back up, ma'am.  
13 My first question is: Do you remember receiving  
14 this press release?  
15 A. Yes.  
16 Q. Do you remember how you received it?  
17 A. I don't remember how I received it.  
18 Q. Do you remember reading it when you  
19 received it?  
20 A. Yes.  
21 Q. Okay. Correct me if I'm wrong, but I  
22 believe your payroll duties were limited to the ICU  
23 staff; right?  
24 A. Yes.

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1 Q. So you didn't have any responsibilities for  
2 payroll for any other department of the hospital?  
3 A. Correct.  
4 Q. Would your payroll duties have included any  
5 sort of patient billing or collections?  
6 A. No.  
7 Q. Would your payroll duties have brought you  
8 into contact with any other financial aspects of  
9 the hospital?  
10 A. No.  
11 MR. RISOVICH: Object to form. Vague.  
12 Q. As part of your payroll duties, were you  
13 looking at any documents other than the JBDev  
14 timecards?  
15 A. No.  
16 Q. Okay. That's a better question. It states  
17 here in this press release that it's dated August  
18 7, 2019; correct?  
19 A. Correct.  
20 Q. And the press release states "The hospital  
21 sustained losses of more than 37 million dollars  
22 over the past two years;" is that right?  
23 A. That's right.  
24 Q. Do you have any personal knowledge about

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1 the losses of the hospital from, say, 2018 to 2019?

2 A. No.

3 Q. Do you have any personal knowledge of the

4 financial condition of the hospital in any aspect

5 from 2018 to 2019?

6 A. No.

7 Q. Were you aware that the hospital had

8 sustained any losses or had any financial troubles

9 prior to 2018?

10 A. Yes.

11 Q. Tell me what you know about that.

12 A. Well, that was the reason given for wanting

13 to find a strategic partner or sell it which

14 resulted in the sale to Alecto eventually, you

15 know, because it was having financial difficulty.

16 Q. Okay. Do you remember who you were talking

17 to or how you became aware of that information you

18 just told me?

19 A. It was the kind of thing people just talked

20 about in the hospital.

21 Q. Among coworkers?

22 A. Yes.

23 Q. Okay. So were employees talking about the

24 hospital having financial troubles prior to 2018?

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1 A. Yes.

2 Q. Were employees having discussions about the

3 hospital having financial troubles prior to 2017?

4 A. Yes.

5 Q. Okay. Let's keep going and see how far

6 back we can go. Do you remember employees having

7 discussions about the financial trouble of the

8 hospital in 2016?

9 A. I don't remember the dates.

10 Q. Okay. Do you remember roughly when those

11 kind of conversations started circulating among the

12 employees?

13 A. Only that it was prior to 2017 because in

14 2017 is when the sale to Alecto took place.

15 Q. Okay and you didn't play any role in that

16 sale to Alecto in 2017; correct?

17 A. Correct.

18 Q. Okay. This press release also lists it had

19 an exhaustive and unsuccessful search for a

20 strategic buyer or partner. Was that something in

21 this time period of August 2019 that management was

22 talking to employees about?

23 A. Not really.

24 Q. But the search for a strategic buyer or

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1 partner, wasn't that part of the employee questions

2 and answers we just looked over?

3 A. It was.

4 Q. Okay. I want to scroll down here a little

5 bit to look at this first bullet point. It says

6 the hospital also "struggled to overcome declining

7 volumes." Do you see where I read that?

8 A. Yes.

9 Q. With your long career there, did you notice

10 any declining volumes in the ICU prior to, let's

11 say, 2017?

12 A. At times. You know, there were

13 fluctuations in census periodically.

14 Q. Okay. Did you notice any declining patient

15 volumes in the ICU between 2017 and the hospital's

16 closure?

17 A. Yes.

18 Q. Can you explain to me what you experienced

19 in terms of declining volumes of patients?

20 A. Well, there were less patients coming to

21 OVMC and sometimes we had to transfer patients out

22 that had certain diagnoses if we could not offer

23 them the service they needed. So that resulted in

24 declining census.

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1 Q. Okay. I'm going to ask you a couple follow

2 up questions on there. Why were there certain

3 treatments, I guess, that could no longer be

4 provided to patients, do you know?

5 MR. RISOVICH: Object to form. Vague.

6 You can answer.

7 A. Some of the doctors had left that provided

8 certain services.

9 Q. Do you remember which doctors would have

10 left?

11 A. The neurosurgery group left.

12 Q. Do you remember when that happened?

13 A. I do not remember an exact date.

14 Q. Do you remember if it was in 2018 or 2019?

15 A. I don't remember.

16 Q. Okay. Do you remember if that happened

17 when Alecto, as you say, owned the hospital?

18 A. I don't remember, no.

19 Q. Okay. Okay. Do you know of any other

20 specific doctors or departments that left the

21 hospital?

22 A. Yes.

23 Q. Tell me about that. Sorry. Go ahead.

24 A. Yes. We no longer had a thoracic surgeon

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1 so we could not do that kind of surgery anymore.  
 2 **Q. Do you remember when the thoracic surgeon**  
 3 **left OVMC?**  
 4 A. I do not.  
 5 **Q. Even a year?**  
 6 A. No, I don't.  
 7 **Q. Okay. Okay. Any other doctors or**  
 8 **departments that you remember leaving OVMC?**  
 9 A. Not specifically, no.  
 10 **Q. Okay, but you said you remember having to**  
 11 **transfer out patients who would require specific**  
 12 **care; correct?**  
 13 A. Correct.  
 14 **Q. Do you remember when those transfers**  
 15 **occurred?**  
 16 A. Do you mean like years?  
 17 **Q. In what year, yeah. Do you remember what**  
 18 **year you started having to transfer out patients**  
 19 **because the hospital couldn't offer certain**  
 20 **services they needed?**  
 21 A. Definitely in 2018 and 2019.  
 22 **Q. Okay. Do you remember how often that**  
 23 **happened?**  
 24 A. I couldn't give you a number, no.

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1 **Q. Do you remember if this was something that**  
 2 **happened regularly or was it rare?**  
 3 A. It was regular.  
 4 **Q. And when either the neurosurgery or the**  
 5 **thoracic surgeon left, did they take patients with**  
 6 **them or, yeah, that was right, did they take**  
 7 **patients with them when they left?**  
 8 MR. RISOVICH: Object to form. Vague.  
 9 You can answer.  
 10 A. I'm not -- I'm not sure I understand the  
 11 question.  
 12 **Q. Okay. So you had explained to me how**  
 13 **people would come into the ICU and then have to be**  
 14 **transferred out of the hospital because they**  
 15 **couldn't get certain services; correct?**  
 16 A. Correct.  
 17 **Q. My question is: Is that, is the**  
 18 **neurosurgery group having regular outpatient**  
 19 **services outside of the ICU or inpatient services**  
 20 **other than the ICU?**  
 21 A. No.  
 22 **Q. Okay. Did you notice a change in the**  
 23 **patient volumes after August 7th of 2019?**  
 24 A. Yes.

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1 **Q. Can you explain to me what you experienced**  
 2 **in terms of patient volume after August 7, 2019?**  
 3 A. We had less admissions to the ICU. We just  
 4 had a lower census.  
 5 **Q. Lower than it had been prior to August 7,**  
 6 **2019?**  
 7 A. Yes.  
 8 **Q. Were there circumstances after August 7,**  
 9 **2019 before, say, September 1st of 2019 where there**  
 10 **were no patients in the ICU?**  
 11 A. I don't remember if there were any of those  
 12 days.  
 13 **Q. Okay. I want to draw your attention back**  
 14 **to the press release that we're looking at. After**  
 15 **it talks about declining volumes it also says**  
 16 **declining reimbursement. Do you see that?**  
 17 A. Yes.  
 18 **Q. The question, ma'am, is: Do you have any**  
 19 **personal knowledge about the reimbursement or**  
 20 **billing or collections aspect of OVMC's business?**  
 21 A. No.  
 22 **Q. Did you have any understanding in August of**  
 23 **2019 whether there was any declining reimbursement**  
 24 **for the hospital?**

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1 A. Only because of this.  
 2 **Q. Okay. And then after it cites declining**  
 3 **reimbursement, this press release notes substantial**  
 4 **harm that is detailed in a certain lawsuit there.**  
 5 **Are you aware of what this lawsuit is about?**  
 6 A. Very loosely, yes.  
 7 **Q. What's your understanding of what this**  
 8 **lawsuit is?**  
 9 A. That it was a whistle blower regarding the,  
 10 I guess, unethical practices of Wheeling Hospital.  
 11 **Q. Did you have, either then or now, any**  
 12 **understanding of what unethical conduct was being**  
 13 **alleged against Wheeling Hospital?**  
 14 A. Yes.  
 15 **Q. Okay. In August of 2019 what was your**  
 16 **understanding of what unethical conduct was being**  
 17 **alleged against Wheeling Hospital in this lawsuit?**  
 18 A. That they were billing Medicare unfairly  
 19 and asking and reimbursing their doctors at a  
 20 higher rate than was normal.  
 21 **Q. Do you know if that neurosurgery group you**  
 22 **talked to me about went to Wheeling Hospital?**  
 23 A. They practiced there. That's not where  
 24 they were based.

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1 **Q. Where were they based?**  
2 A. At WVU.  
3 **Q. Okay, so did the neurosurgery group leave**  
4 **OVMC and go to WVU?**  
5 A. They were from WVU.  
6 **Q. Okay. Were you aware of any doctors or**  
7 **medical practices leaving OVMC and going to**  
8 **Wheeling Hospital in 2018 or 2019?**  
9 A. Yes.  
10 **Q. Okay. Tell me what you remember.**  
11 A. I just remember that doctors did leave. I  
12 don't remember how many or who exactly except for  
13 the neurosurgeons and Doctor Shackelford.  
14 **Q. Is Doctor Shackelford the thoracic surgeon**  
15 **you spoke of?**  
16 A. Yes.  
17 **Q. And to your memory did these doctors leave**  
18 **OVMC prior to August 7, 2019?**  
19 A. I don't remember.  
20 **Q. Okay. I'm going to scroll down here a**  
21 **minute, ma'am, and ask you one more question. The**  
22 **last bullet point here talks about discussions**  
23 **before the 15 different national regional local**  
24 **healthcare systems or providers. Do you see where**

Page 62

1 I'm reading there?  
2 A. Yes.  
3 **Q. Okay. Having read through that, do you**  
4 **know which, if any, of those 15 healthcare systems**  
5 **or providers would have been?**  
6 A. Yes.  
7 **Q. Okay. How did you know which ones were**  
8 **being -- were in discussions about being a**  
9 **strategic partner or buyer?**  
10 A. One of the other press releases actually  
11 said that they had talked to Wheeling Hospital  
12 about using the facilities.  
13 **Q. Okay. Any others that you recall?**  
14 A. WVU also, I believe.  
15 **Q. And how did you know about WVU discussions?**  
16 A. I believe that was in the other press  
17 release -- press release.  
18 **Q. Okay. I understand. Any others that you**  
19 **recall other than Wheeling Hospital and WVU?**  
20 A. No.  
21 **Q. Okay. Do you remember if you spoke to any**  
22 **patients about the closure of the hospital?**  
23 A. Not specifically.  
24 VIDEO OPERATOR: I'm sorry to

Page 63

1 interrupt. The court reporter just lost  
2 connection. Could we go off the record?  
3 MS. THOMPSON: Absolutely.  
4 VIDEO OPERATOR: The time is  
5 11:39 a.m. We are off the record.  
6 (A brief recess was taken after which the  
7 deposition continued as follows:)  
8 VIDEO OPERATOR: The time is  
9 11:45 a.m. We're on the record.  
10 BY MS. THOMPSON:  
11 **Q. Before we get started again, ma'am, we**  
12 **believe to have lost connection with the court**  
13 **reporter for a brief period of time and my**  
14 **understanding is she's going to review the official**  
15 **video to make sure there was no transcription lost.**  
16 MS. THOMPSON: And I wanted to check  
17 with opposing counsel if they were okay with that  
18 with no objections.  
19 MR. RISOVICH: No objections.  
20 **Q. Ma'am, you understand that even though we**  
21 **took a break that you're still under oath right**  
22 **now; right?**  
23 A. Yes.  
24 **Q. Okay. I want to show you a different**

Page 64

1 document now. Do you remember receiving a letter  
2 in the mail called a WARN notice?  
3 A. Yes.  
4 **Q. Okay. I'm going to introduce as my next**  
5 **exhibit, which I'm hoping is Number 6, Bates Number**  
6 **Schenkel 13 and I'm going to bring something up for**  
7 **you to look at, ma'am, okay?**  
8 A. Okay.  
9 **Q. I'm going to share my screen. Let me know**  
10 **when you can see the header of OVMC?**  
11 A. I see it.  
12 **Q. Okay. Do you need it to be zoomed out any**  
13 **so you can see it fully?**  
14 A. It looks like it's completely there.  
15 **Q. Okay. Please read through this --**  
16 MR. RISOVICH: I would object to  
17 calling this a WARN notice.  
18 MR. THOMPSON: Sure. Fine. I'll call  
19 it a letter.  
20 **Q. Can you please read through this letter and**  
21 **I'll scroll down whenever you're ready so you can**  
22 **read it in full.**  
23 A. Okay. Okay. You can scroll down.  
24 **Q. Yes, ma'am.**

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1 A. Okay.  
 2 Q. All right. That's the end of it. There's  
 3 nothing else there except Bates number. This was a  
 4 document you produced in discovery, ma'am, so you  
 5 received a copy of this letter; correct?  
 6 A. Yes.  
 7 Q. What's the date of this letter?  
 8 A. August 8, 2019.  
 9 Q. How did you receive a copy of this letter?  
 10 A. In the mail.  
 11 Q. Do you remember the date that you received  
 12 this letter in the mail?  
 13 A. I do not.  
 14 Q. It has a subject line. I believe it says  
 15 "Re: Notice of permanent closure of Ohio Valley  
 16 Medical Center;" correct?  
 17 A. Correct.  
 18 Q. And looks to me like the salutation says  
 19 "Dear Employee;" is that right?  
 20 A. Yes.  
 21 Q. So is it your understanding you received  
 22 this letter because you're an employee at OVMC?  
 23 A. Yes.  
 24 Q. Okay. Did you read this letter when you

Page 66

1 received it in the mail?  
 2 A. Yes.  
 3 Q. Okay and after receiving and reading this  
 4 letter, did you understand that OVMC was going to  
 5 be closing entirely?  
 6 A. Yes.  
 7 Q. Did you understand that the closure of OVMC  
 8 was going to be permanent?  
 9 A. Yes.  
 10 Q. And did you understand that the schedule  
 11 date of that closure was October 7th, 2019?  
 12 A. Yes.  
 13 Q. And did you understand that your employment  
 14 at OVMC would end as of October 7, 2019?  
 15 A. Yes.  
 16 Q. I'll scroll down so you can see the  
 17 specific paragraph I'm looking at. It addresses  
 18 hospital sponsored health insurance; correct?  
 19 A. Yes.  
 20 Q. And this letter states that your coverage  
 21 would continue through the end of the month in  
 22 which you were terminated; right?  
 23 A. Yes.  
 24 Q. Okay. The very last paragraph it lists out

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1 contact information for Dan Dunmyer with address  
 2 and telephone. Do you see where I'm looking there?  
 3 A. Yes.  
 4 Q. Did you at any point contact Dan Dunmyer  
 5 with any questions regarding this letter?  
 6 A. No.  
 7 Q. Did you know that you had the option to do  
 8 so?  
 9 A. Yes.  
 10 Q. Did you ever reach out to Dan Dunmyer with  
 11 any questions about the closure of the hospital  
 12 generally?  
 13 A. No.  
 14 Q. Did you know you had the option to do so?  
 15 A. Yes.  
 16 Q. It also lists the contact information for  
 17 WorkForce West Virginia; correct?  
 18 A. Yes.  
 19 Q. Do you remember if you reached out to  
 20 WorkForce West Virginia prior to I think you said  
 21 you applied for unemployment in November of 2019?  
 22 MR. RISOVICH: Objection. Vague.  
 23 A. I did not reach out before that.  
 24 Q. Okay. Do you remember whether there were

Page 68

1 any job fairs held at OVMC in August or September  
 2 or October of 2019?  
 3 A. I don't recall.  
 4 Q. Do you remember whether any other employers  
 5 came to OVMC to interview employees for new jobs in  
 6 August, September, October of 2019?  
 7 A. I don't recall that.  
 8 Q. Do you remember if there were any meetings  
 9 at OVMC in August, September, October of 2019 to  
 10 educate employees about unemployment options?  
 11 A. Yes.  
 12 Q. Do you remember if you attended any of  
 13 those meetings?  
 14 A. Yes.  
 15 Q. What do you remember about that meeting?  
 16 A. I went to one that was done by WorkForce  
 17 West Virginia just as an info meeting.  
 18 Q. And at this meeting did they discuss  
 19 options for you for unemployment?  
 20 A. They did.  
 21 Q. Did they discuss anything like how to write  
 22 a resume or how to apply for a job?  
 23 A. I don't recall that.  
 24 Q. Do you remember approximately when that

Page 69

1 meeting look place that you attended?  
2 A. I do not.  
3 Q. Do you remember if it occurred after August  
4 7th of 2019 when the hospital's closure was  
5 announced?  
6 A. Yes.  
7 Q. Okay. Do you remember if you went to one  
8 meeting or more than one?  
9 A. I went to one meeting.  
10 Q. Did you apply for any other jobs in August  
11 or September of 2019?  
12 A. No.  
13 Q. Why or why not?  
14 A. Mostly because I was not in a hurry to get  
15 a job. The staff that needed jobs needed -- really  
16 needed to get a job and I did not.  
17 Q. Okay. So were you aware of other employees  
18 putting in applications for jobs in August and  
19 September of 2019?  
20 A. Yes.  
21 Q. What employees at OVMC were you aware  
22 putting in applications for other jobs in August  
23 and September of 2019?  
24 A. All of them that were left except for --

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1 there's three of us that I know did not apply for  
2 jobs in that amount of time.  
3 Q. Who were the other two besides you?  
4 A. Carol Moscato and April Azallion.  
5 Q. Do you know their motivation for not  
6 applying for jobs?  
7 MR. RISOVICH: Object to form. Calls  
8 for speculation.  
9 Q. You can still answer. Do you know their  
10 motivation for not applying for jobs?  
11 A. Carol was also near retirement age and  
12 April was just sort of gob smacked by the whole  
13 thing. She just wasn't ready to go somewhere else  
14 I guess.  
15 Q. I understand. And when you -- I believe  
16 you -- when we were talking about people applying  
17 for jobs except for you and Ms. Moscato and April,  
18 are you talking about just the ICU or are you  
19 talking about other people as well?  
20 A. I only have direct knowledge of ICU staff.  
21 Q. Okay. Did you have any awareness -- well,  
22 strike that.  
23 Did you know anybody in the payroll department  
24 that would have been applying for jobs in August or

Page 71

1 September of 2019?  
2 A. Not directly, no.  
3 Q. So your knowledge about people applying or  
4 getting new jobs would have been limited to the  
5 ICU; correct?  
6 A. For specifics, yes.  
7 Q. Okay. Do you have any non specifics?  
8 A. Well, I -- yes.  
9 Q. Tell me what you're referring to there.  
10 A. Well, everyone that needed to work was  
11 applying for a job no matter what department they  
12 worked in.  
13 Q. Are you aware of any specific employee  
14 outside of the ICU that left to start a new job in  
15 August or September of 2019.  
16 A. I don't recall names.  
17 Q. Okay. That's fair. Do you remember if you  
18 discussed this August 8th letter that I have up  
19 with anyone, its specifics?  
20 A. Yes.  
21 Q. Who did you discuss this letter with?  
22 A. My husband for sure.  
23 Q. What's your husband's name?  
24 A. Chris.

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1 Q. I'm sorry. Okay. Continue. I didn't mean  
2 to interrupt you. I'm sorry. Who else did you  
3 discuss this letter with besides your husband  
4 Chris?  
5 A. These sort of things were the kind of  
6 things that people talked about at work, you know,  
7 when we were at break and so forth.  
8 Q. Based on those discussions, did the  
9 employees you were talking to understand that the  
10 hospital was going to permanently close?  
11 A. Yes.  
12 MR. RISOVICH: Object to form.  
13 Speculation.  
14 Q. Do you remember discussing with any  
15 employees in August or September of 2019 that the  
16 closure of the hospital would be permanent?  
17 A. Yes.  
18 Q. Do you remember having discussions with  
19 employees in August or September of 2019 that the  
20 entire hospital would close?  
21 A. Yes.  
22 Q. Do you remember having discussions with  
23 other employees in August or September of 2019 that  
24 employment would end as of the closure of the

Page 73

1 hospital?  
 2 A. Yes.  
 3 Q. And do you remember having discussions with  
 4 other employees in August or September of 2019 that  
 5 the scheduled closure date for the hospital was  
 6 August 7th, 2019?  
 7 A. No.  
 8 Q. Okay. I want to -- I'm going to show you  
 9 one other document, ma'am. We looked over one  
 10 employee frequently asked questions, but my  
 11 understanding is that there was a second employee  
 12 frequently asked questions that was circulated. Do  
 13 you remember that?  
 14 A. Yes, I do.  
 15 Q. Okay and you produced it in discovery so I  
 16 want to introduce it now. Exhibit number 7 is  
 17 going to be Bates Number Schenkel 19 to 20. I  
 18 believe it's 19 to 22. Yes, ma'am. I'm going to  
 19 share my screen with you and you let me know when  
 20 you can see it.  
 21 A. All right. I can see it.  
 22 Q. Can you see it fully from left to right?  
 23 A. Yes, I can.  
 24 Q. Okay. Go ahead and read through this and

Page 74

1 I'll scroll as you direct.  
 2 A. Okay.  
 3 Q. Okay.  
 4 A. Okay. Okay. Okay. Okay. Okay.  
 5 Q. And I believe that's the last of the  
 6 document, ma'am. I have a couple questions for  
 7 you. The first is: Do you remember when you  
 8 received this second set of employee frequently  
 9 asked questions?  
 10 A. No.  
 11 Q. Do you remember reading it when you  
 12 received it?  
 13 A. Yes.  
 14 Q. The last two questions here are about  
 15 bankruptcy. Were employees asking whether or not  
 16 the hospital was going to file for bankruptcy?  
 17 A. Yes.  
 18 Q. Is it your understanding that that was an  
 19 option?  
 20 A. I had no understanding of that one way or  
 21 the other.  
 22 Q. Okay. What's your understanding of  
 23 bankruptcy?  
 24 A. You don't have enough money to do what you

Page 75

1 need to do.  
 2 Q. Okay. I'm going to scroll up to the top.  
 3 The first question has to do with whether there's  
 4 an offer to purchase the hospitals; correct?  
 5 A. Correct.  
 6 Q. It states that as of the date of this  
 7 second set of employee questions that several  
 8 parties have expressed interest in getting further  
 9 information; right?  
 10 A. Yes.  
 11 Q. As of the date of the second set it says  
 12 that "We are communicating with all interested  
 13 parties in effort to find a suitable buyer or  
 14 buyers;" correct?  
 15 A. Correct.  
 16 Q. Okay and then the next couple questions are  
 17 about potential sale of the hospital or hospitals;  
 18 correct?  
 19 A. Correct.  
 20 Q. And this is all information that was being  
 21 provided to the employees; right?  
 22 A. Yes.  
 23 Q. Okay. At what point did you become aware  
 24 that the hospital was going to be suspending

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1 emergency and acute services?  
 2 A. On September 3rd.  
 3 Q. Okay. Do you remember how you learned  
 4 that?  
 5 A. A telephone call.  
 6 Q. Who called you or did you call someone  
 7 else?  
 8 A. Carol Moscato called me.  
 9 Q. Okay. What do you remember about that  
 10 telephone conversation?  
 11 A. She told me that there had just been an  
 12 announcement that the hospital would no longer be  
 13 seeing or no longer accepting patients as of the  
 14 next day, September 4th.  
 15 Q. Okay. Do you remember where you were when  
 16 you received that phone call from Ms. Moscato?  
 17 A. Yes.  
 18 Q. Where were you?  
 19 A. In my car.  
 20 Q. Okay. Were you traveling to or from  
 21 somewhere?  
 22 A. I was traveling, yes.  
 23 Q. Was this travel for work or for fun?  
 24 A. For fun.

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1 Q. Were you going on a vacation then?

2 A. A long weekend. Well, middle of the week,

3 yeah, couple days.

4 Q. Okay. I believe in your discovery you said

5 you were heading to Maryland. Does that sound

6 right?

7 A. Yes.

8 Q. Okay. Did you take some time off in order

9 to take that long weekend?

10 A. I believe I did.

11 Q. Okay. Do you remember any of your response

12 to Ms. Moscato when she told you that information

13 over the phone?

14 A. Yes.

15 Q. Okay. Tell me what you remember saying

16 back to Ms. Moscato?

17 A. I don't remember the exact words, but I

18 remember I was very surprised because it's not what

19 we had been told. We had been told we would have

20 60 days.

21 Q. Do you remember the last day you saw a

22 patient in ICU?

23 A. I don't remember the date.

24 Q. Do you remember the last date the ICU had

Page 78

1 any patients in it, regardless of whether you saw

2 them or someone else?

3 A. Yes. I believe it was September 6th.

4 Q. Okay. Do you know if you worked September

5 6th?

6 A. I did not.

7 Q. Did you participate in any sort of

8 organizational cleaning or wind up efforts with

9 ICU?

10 A. Yes.

11 Q. Can you describe those to me a little bit?

12 A. Yes. We had to pack up all our supplies

13 and equipment. We had to inventory certain things

14 and move them to where we were directed within the

15 hospital. But mostly it was packing and cleaning

16 things up and, you know, throwing out old books

17 that were, you know, that had been there forever

18 and things like that. Everything else we packed.

19 Q. Okay. Do you remember when you started

20 doing those types of activities?

21 A. Yes.

22 Q. When was that?

23 A. It was the Monday after Labor Day.

24 Q. Okay. Do you have any personal knowledge

Page 79

1 of when any other department in the hospital had

2 its last patient?

3 A. No.

4 Q. Do you have any personal knowledge about

5 when any department that didn't provide inpatient

6 care would have last seen a patient?

7 A. No.

8 Q. Do you know of any of the departments at

9 the hospital that do provide outpatient care?

10 A. Yes.

11 Q. What departments at the hospital were you

12 aware of that provided outpatient care?

13 A. Physical therapy did.

14 Q. Any others?

15 A. Not that I recall.

16 Q. Did you participate in those same kind of

17 cleaning or packing duties for any department other

18 than ICU?

19 A. Not the cleaning and packing.

20 Q. Okay. Did you participate in other wind

21 down activities in other department besides the

22 ICU?

23 A. Yes.

24 Q. What department would that have been?

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1 A. I worked one day in accounts and several

2 days in medical records.

3 Q. All right. How did you come to work in the

4 accounts department that day?

5 A. I was assigned there.

6 Q. Who assigned you?

7 A. The nursing coordinator.

8 Q. Is that Cindy Bruno or someone else?

9 A. It was Cindy Bruno.

10 Q. Do you have any understanding of how Cindy

11 Bruno was assigning ICU nurses to work in other

12 departments?

13 A. She was checking with other departments

14 what they needed in order to wind up their own

15 affairs and if somebody could help them with it,

16 you know, they would accept help.

17 Q. Okay. Did you have to communicate

18 availability to do that with Ms. Bruno?

19 A. Yes.

20 Q. Do you remember how you were communicating

21 whether you were available or not to Ms. Bruno?

22 A. Yes.

23 Q. How were you communicating with her about

24 that?

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1 A. Either verbally, face to face or by text.  
 2 **Q. Okay. Is the same true of when you went to**  
 3 **work in the medical records department?**  
 4 A. Yes.  
 5 **Q. That was also arranged by Ms. Moscato,**  
 6 **excuse me, Ms. Bruno?**  
 7 A. Yes.  
 8 **Q. Okay. Do you remember when those days**  
 9 **occurred that you worked in either the accounting**  
 10 **or the medical records departments?**  
 11 A. I don't recall the exact dates.  
 12 **Q. During the period in which you were**  
 13 **cleaning, packing or winding down the ICU, did you**  
 14 **still have a regular schedule?**  
 15 A. No.  
 16 **Q. How was that schedule communicated to you?**  
 17 A. It was based on whether Cindy said we could  
 18 work or not when we said we could work. You know,  
 19 we told her when we could work. She told us  
 20 whether there was a place for us.  
 21 **Q. Okay. Do you remember how many times you**  
 22 **told Ms. Bruno that you were available to work and**  
 23 **she said there was none available for you?**  
 24 A. I do not.

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1 **Q. Do you remember when those communications**  
 2 **with Ms. Bruno about your availability began?**  
 3 A. I don't remember an exact date.  
 4 **Q. Okay. Do you have any personal knowledge**  
 5 **about scheduling of any department beyond the ICU**  
 6 **in 2019?**  
 7 A. No.  
 8 **Q. And I'm assuming at some point, we looked**  
 9 **at one of the schedules you produced, at some point**  
 10 **those types of schedules ceased to be rotated;**  
 11 **correct?**  
 12 A. Correct.  
 13 **Q. Once those sort of entire ICU schedules**  
 14 **ceased to be circulated, did you have any personal**  
 15 **knowledge of what shifts or hours anybody else in**  
 16 **the ICU was working?**  
 17 A. No.  
 18 **Q. Do you remember when those schedules**  
 19 **stopped being circulated?**  
 20 A. No.  
 21 **Q. At what point were you told that you**  
 22 **couldn't come in and do anymore work at OVMC?**  
 23 A. That was September 30th.  
 24 **Q. Do you remember how that was communicated**

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1 **to you?**  
 2 A. By text.  
 3 **Q. Who texted you?**  
 4 A. Cindy Bruno.  
 5 **Q. And prior to that September 30th date were**  
 6 **you still coming in and doing some of the work in**  
 7 **those other departments like we discussed?**  
 8 A. Yes.  
 9 **Q. But after September 30th of 2019 you were**  
 10 **not scheduled to go in and do any work in any**  
 11 **department; correct?**  
 12 A. Correct.  
 13 **Q. Do you remember how much PTO you had as of**  
 14 **September 3rd, 2019?**  
 15 A. No, I don't remember an exact amount.  
 16 **Q. Do you remember using PTO after September**  
 17 **3rd of 2019?**  
 18 A. Yes.  
 19 **Q. How would you communicate the use of that**  
 20 **PTO after September 3rd, 2019?**  
 21 A. Either face to face with Cindy or by text.  
 22 **Q. I believe you previously testified that at**  
 23 **least one of the reasons you hadn't applied for**  
 24 **jobs in August or September of 2019 was other**

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1 **people who needed jobs were applying. Is that**  
 2 **fair?**  
 3 A. Yes.  
 4 **Q. My question is: Were you using PTO in**  
 5 **August and September of 2019 so that other**  
 6 **employees could take up work?**  
 7 A. No.  
 8 **Q. Okay. During August and September of 2019**  
 9 **did you continue to do those payroll duties we**  
 10 **spoke of?**  
 11 A. Yes.  
 12 **Q. At what point did you stop performing those**  
 13 **payroll duties that we spoke of?**  
 14 A. I don't remember the exact date.  
 15 **Q. Were you still performing those payroll**  
 16 **duties after, say, September 3rd of 2019?**  
 17 A. Yes.  
 18 **Q. Okay. Ma'am, I'm going to show you a**  
 19 **series of exhibits for us to talk about, okay?**  
 20 A. Okay.  
 21 **Q. Next one I have on my list I think is**  
 22 **Number 8. So I'll introduce as Exhibit Number 8**  
 23 **defendants' Bates Number 95. I'm going to share my**  
 24 **screen with you, ma'am. Let me know when you see**

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1 it pop up. Do you see that?  
2 A. I see it.  
3 Q. Can you see --  
4 A. I don't think I see it completely.  
5 Q. All right. Let me zoom out and you tell me  
6 how much is enough. Do you see that?  
7 A. Yes.  
8 Q. Okay. I want to, before we discuss it, I  
9 want you to be able to look over this and I will  
10 first point it to the top here, it says "Payroll  
11 Register Employee Detail;" correct?  
12 A. Yes.  
13 Q. I'll represent to you that this is a  
14 payroll timecard summary that has been produced in  
15 discovery. If you look across the top there is a  
16 series of different column headers. Do you see  
17 they're bolded?  
18 A. Yes.  
19 Q. The one on the far left says name; correct?  
20 A. That's right.  
21 Q. If you go over, across it will say earning  
22 and then hours; correct?  
23 A. Yes.  
24 Q. And then if you go over a little bit

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1 further there's a column that has a rate.  
2 A. Yes.  
3 Q. And then if you go over a little bit  
4 further there's columns that have to do with  
5 withholdings and the amount of those withholdings;  
6 correct?  
7 A. Yes.  
8 Q. Okay and it says this timecard date is as  
9 of 8-10-2019; correct?  
10 A. Correct.  
11 Q. And then it has the department code and  
12 says ICU; correct?  
13 A. I am looking for that.  
14 Q. Right under it says timecard date 8-10-19,  
15 the second line right beneath it says ICU. If you  
16 can see my pointy hand, look there.  
17 A. Oh, okay, yes. I was looking under a  
18 different -- yes, I see that.  
19 Q. Okay. Okay. You see Carol's name there,  
20 she was the charge nurse that you worked with;  
21 correct?  
22 A. Correct.  
23 Q. Okay. I'm going to scroll down until we  
24 get to your name, ma'am. Do you see your name at

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1 the bottom?  
2 A. Yes, I do.  
3 Q. Okay. In those columns that said hours, it  
4 says here that for this pay period you worked 40  
5 regular hours, 39.6 regular hours and then 8.9  
6 overtime hours; correct?  
7 A. Correct.  
8 Q. Do you have any reason to dispute that  
9 that's the hours you worked for that pay period?  
10 A. No.  
11 Q. Okay and then it has here shift  
12 differentials listed. I believe that's what that  
13 refers to. Can you explain to me how shift  
14 differentials work in the ICU?  
15 A. Yes. There was a shift differential for  
16 the 3:00 to 11:00 shift so at 3:00 p.m. your rate  
17 changed a little bit and then there was a different  
18 shift differential for the night term shift that  
19 started 11:00 p.m. until 7:00 a.m.  
20 Q. Okay and would part of your payroll duties  
21 be to calculate and confirm that those shift  
22 differentials were either earned or paid?  
23 A. The JBDev system did that. I did not have  
24 to do that by myself.

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1 Q. Okay. Okay and then if you keep going to  
2 the right after you looked at those regular and  
3 overtime hours, the regular hours rate is listed  
4 32.47; correct?  
5 A. I'm not sure where you're looking.  
6 Q. Okay. Do you see where if your name goes  
7 over there's a column here where my hand is?  
8 A. Yes.  
9 Q. See that says 32.45; correct?  
10 A. Yes.  
11 Q. And if we look at that column and we scroll  
12 up, we see that it has the title of rate.  
13 A. Yes.  
14 Q. Okay. Was that your final rate of pay when  
15 you were at OVMC?  
16 A. Yes.  
17 Q. Okay. Then if we scroll over here, it has  
18 a list of withholdings and I believe we talked  
19 about how you had vision and dental insurance;  
20 correct?  
21 A. Correct.  
22 Q. And there's withholding for that. I also  
23 see a withholding for a 401k; right?  
24 A. Yes.

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1 Q. Okay. Do you have any reason to dispute  
2 that this is the compensation that you received for  
3 this pay period?  
4 A. No.  
5 Q. Okay. I'm going to stop sharing. I'm  
6 going to introduce as Exhibit 9 defendants' Bates  
7 Number 836. I know this part is tedious, ma'am, I  
8 apologize, but we're going to do this a couple more  
9 times. Let me know when you can see that or if I  
10 need to zoom it out.  
11 A. Zoom it a little bit, please.  
12 Q. How's that?  
13 A. That's fine. Thank you.  
14 Q. And if you'll look at the top, this is a  
15 timecard date 9-7-2019; correct?  
16 A. Yes.  
17 Q. Okay and it's set up the same as the prior  
18 one; correct, with the columns at the top and the  
19 names down the side?  
20 A. Yes.  
21 Q. Okay. I want to scroll down to your name  
22 here and it lists for this pay period that you  
23 worked 24 regular hours and then you took PTO of 12  
24 and 36 hours; correct?

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1 A. Yes.  
2 Q. Now, for the pay period that would have  
3 ended on 9-7-2019, would that have included the  
4 time off you took to go to Maryland?  
5 A. Yes.  
6 Q. Do you have any reason to dispute that  
7 those are the hours, the PTO you used for that pay  
8 period?  
9 A. No.  
10 Q. Do you have any reason to dispute that this  
11 is the compensation you received for that pay  
12 period?  
13 A. No.  
14 Q. Okay. Stop sharing and I'll introduce as  
15 Exhibit 10 Bates Number defendants' 1177. I'll  
16 share my screen with you, ma'am. I'll go ahead and  
17 zoom out once. Let me know if you need more.  
18 A. Okay.  
19 Q. Let me know if that does it for you.  
20 A. That's perfect.  
21 Q. Okay. And at the top of this, this is a  
22 timecard dated 9-21-19; correct?  
23 A. Correct.  
24 Q. And this is set up the same as the prior

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1 timecards you looked at; right?  
2 A. Yes.  
3 Q. So if we scroll down to your name here,  
4 it's the last one, ma'am. It says for this pay  
5 period you worked 16.8 regular hours, 15.9 regular  
6 hours and then and it lists out 40 PTO hours;  
7 correct?  
8 A. Correct.  
9 Q. Do you know if any of those PTO hours were  
10 the same vacation to Maryland?  
11 A. They were not.  
12 Q. Okay. Were they another type of vacation  
13 you would have taken?  
14 A. No.  
15 Q. Okay. Do you have any reason to dispute  
16 that this is the hours and PTO you used for that  
17 pay period?  
18 A. No.  
19 Q. Do you have any reason to dispute that this  
20 is the compensation you received for this pay  
21 period?  
22 A. No.  
23 Q. Okay. Exhibit 11 will be defendants' 1485.  
24 Ma'am, I'm going to zoom out for you. Can you see

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1 that one completely?  
2 A. Yes.  
3 Q. Okay and this is a timecard, it's dated  
4 10-5-2019; correct?  
5 A. Correct.  
6 Q. Okay and if I scroll down to your name here  
7 it lists your regular hours as 15 and your PTO is  
8 21 and 36; correct?  
9 A. Correct.  
10 Q. Do you have any reason to dispute that  
11 that's the hours of PTO you used for that period?  
12 A. No.  
13 Q. Do you have any reason to dispute that this  
14 is the compensation you received in this pay  
15 period?  
16 A. No.  
17 Q. Almost done. We only have two more.  
18 Exhibit 12 will be defendants' Bate Number 1731.  
19 Let me know if you can see this one, ma'am.  
20 A. I can see it.  
21 Q. Okay. And this is a timecard dated  
22 10-19-19; correct?  
23 A. Correct.  
24 Q. And on this one it looks like you were paid

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1 out PTO in 158 hours and a little bit more;  
2 correct?  
3 A. Correct.  
4 Q. Okay. Would this have been the final pay  
5 out of all of your outstanding PTO?  
6 A. I believe so.  
7 Q. Okay and do you have any reason to dispute  
8 that this is the PTO you received or the  
9 compensation you received for this pay period?  
10 A. No.  
11 Q. Last one. Exhibit 13 is going to be Bates  
12 Number defendants' 14791. Share the screen with  
13 you, ma'am. Can you see this one fully?  
14 A. Yes, I can.  
15 Q. Okay. And --  
16 A. Make it just a tad smaller, please.  
17 Q. Yes, ma'am.  
18 A. I'm missing one number at the end. Okay.  
19 Q. How's that?  
20 A. That's fine. Thank you.  
21 Q. Okay. And if you look at the top, this is  
22 a pay date timecard for 8-30-19; correct?  
23 A. Correct.  
24 Q. Okay and for this pay period you're listed

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1 as having 37.6 and 24 regular hours; correct?  
2 A. Correct.  
3 Q. And it lists PTO as 12 hours?  
4 A. Yes.  
5 Q. Okay. When did your trip to Maryland  
6 start?  
7 A. After Labor Day.  
8 Q. Okay, so would it have been -- any of this  
9 PTO -- could any of this PTO have been that  
10 vacation to Maryland you discussed?  
11 A. No.  
12 Q. Okay. Do you have any reason to dispute  
13 that these are the hours and PTO that you worked in  
14 2019, I mean, for this pay period, excuse me?  
15 A. No.  
16 Q. Do you have any reason to dispute that this  
17 is the compensation you received for this pay  
18 period?  
19 A. No.  
20 Q. Okay. Stop sharing here, ma'am. Do you  
21 know the last date you went into OVMC and performed  
22 work?  
23 A. September 29th.  
24 Q. 29th? What do you remember doing that day?

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1 A. I worked in medical records.  
2 Q. And that was something you would have  
3 coordinated through Ms. Bruno?  
4 A. Yes.  
5 Q. Do you know what other employees Ms. Bruno  
6 was coordinating that kind of work for?  
7 A. Yes.  
8 Q. All right. Who was your understanding of  
9 who else she was coordinating that type of work  
10 for?  
11 A. I know that Carol Moscato was working some  
12 days and Terri Sonnenfeld.  
13 Q. Okay. Is Terry -- oh, sorry, go ahead.  
14 A. I don't remember. I don't remember other  
15 names now. I don't remember who.  
16 Q. Ms. Sonnenfeld someone who works in the  
17 ICU?  
18 A. Not at that time.  
19 Q. Do you know where she worked, which  
20 department?  
21 A. Yes.  
22 Q. Which department was she working in at that  
23 time?  
24 A. She was outpatient services manager.

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1 Q. I want to introduce as Exhibit 14  
2 defendants' Bates Number 2963 and let me know, I'll  
3 go ahead and zoom it out and I'll show it to you.  
4 Let me know when you see an e-mail on your screen,  
5 ma'am?  
6 A. Okay.  
7 Q. Can you see that e-mail fully?  
8 A. Not fully.  
9 Q. How about now?  
10 A. Yes.  
11 Q. Okay. Please read through this and then I  
12 have some questions about it.  
13 A. Okay. Okay.  
14 Q. My first question is: Do you remember  
15 receiving this e-mail?  
16 A. Yes, I do.  
17 Q. Okay. Do you remember if you responded to  
18 be placed on the help list?  
19 A. Yes.  
20 Q. Okay. Do you recognize any of the other  
21 people that this e-mail is addressed to?  
22 A. Yes.  
23 Q. Which of these do you recognize?  
24 A. Pam Brown, Evelyn Schultz, Dolly Holt,

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1 Carla Harris, Augustine Valentino, Carol Moscato,  
2 April Azallion and Emily Wines.  
3 **Q. Are any of the people that this e-mail is**  
4 **addressed to not work in ICU?**  
5 A. I'm sorry, say that again.  
6 **Q. Yeah. Are any of the people this e-mail is**  
7 **addressed to not regularly working in the ICU, like**  
8 **they were assigned to a different department?**  
9 A. Right. The only ICU people on here are  
10 myself, Carol Moscato, April Azallion and Emily  
11 Wines.  
12 **Q. Are the other people also nurses, they just**  
13 **don't work in the ICU?**  
14 A. They were nurses -- some are nurses and  
15 some, a couple are nurses aides and I don't know  
16 about the people whose names I don't recognize.  
17 **Q. Okay. Were you aware whether any other**  
18 **managers in the -- well, strike that.**  
19 **Cindy Bruno here you said was the nurse manager**  
20 **for telemetry care unit and ICU; correct?**  
21 A. Correct.  
22 **Q. Were there any nursing managers over the**  
23 **other departments?**  
24 A. Yes.

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1 **Q. Were you aware whether any of the nursing**  
2 **managers over the other departments, not the TCU or**  
3 **ICU, were doing similar other help lists?**  
4 A. I am not aware of that.  
5 **Q. Are you aware of any other manager, even if**  
6 **it wasn't a nurse manager, having a sort of help**  
7 **list for their employees they supervised?**  
8 A. No.  
9 **Q. What departments do you remember the**  
10 **hospital having other than the TCU and ICU?**  
11 MR. RISOVICH: Object to the form.  
12 Vague.  
13 **Q. In 2019 what departments do you remember**  
14 **the hospital having other than the TCU and ICU?**  
15 A. There was a patient care unit on the 5th  
16 floor. TCU was on the 4th floor. Outpatient  
17 services, OR and PACU.  
18 **Q. What does PACU stand for, ma'am?**  
19 A. Post anesthesia recovery or post anesthesia  
20 care unit.  
21 **Q. Okay.**  
22 A. Recovery room.  
23 **Q. Okay. That makes sense. Any other others**  
24 **that you remember in the hospital during 2019?**

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1 A. The ER.  
2 **Q. Okay. Any admin -- sorry.**  
3 A. Are you asking me just about -- a needy  
4 cat. Are you asking just about nursing units or?  
5 **Q. All departments that you were aware of.**  
6 A. Okay. The ER, x-ray, maintenance, dietary,  
7 pharmacy and then the nursing units off the top of  
8 my head.  
9 **Q. Okay. Were you aware of any departments at**  
10 **the hospital that did not provide any patient**  
11 **services?**  
12 A. Yes.  
13 **Q. What departments like that were you aware**  
14 **of?**  
15 A. Maintenance did not.  
16 **Q. Any others that you can recall?**  
17 A. No.  
18 MS. THOMPSON: I think if we take a  
19 ten minute break I'm pretty close to being done,  
20 guys.  
21 MR. RISOVICH: Okay. Sounds good.  
22 MS. THOMPSON: Give me a couple  
23 minutes and I'll be back. So do you want to do  
24 quarter till?

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1 MR. RISOVICH: Yeah, that's fine.  
2 MS. THOMPSON: All right. Thank you.  
3 VIDEO OPERATOR: Time is 12:37 p.m.  
4 We are off the record.  
5 (A brief recess was taken after which  
6 the deposition continued as follows.)  
7 VIDEO OPERATOR: Time is 12:51 p.m.  
8 We are on the record.  
9 BY MS. THOMPSON:  
10 **Q. Hello, ma'am. Do you understand you're**  
11 **still under oath even though we took a break?**  
12 A. Yes.  
13 **Q. I just have a few other questions and if**  
14 **they appear scattered I apologize, I'm batting**  
15 **clean up here. My first question is: You said you**  
16 **worked with the JBDev program; correct?**  
17 A. Yes.  
18 **Q. Okay. I want to show you a document that's**  
19 **been produced in this case for you to look at. I**  
20 **believe it's Number 15 and it's going to be**  
21 **defendants' Bates Number 16769. Excuse me, it**  
22 **should be 15. I don't know what I said. All**  
23 **right. It's thinking about it. It's loading.**  
24 **Okay. Let me share my screen with you, ma'am. Let**

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1 me know when you see an Excel spreadsheet up.  
2 A. I see it. I'm not sure I see the whole  
3 thing.  
4 Q. No, it's a big thing. We'll move around  
5 and orient ourselves, I promise. First I'll  
6 represent to you that this is an Excel spreadsheet  
7 that was produced in this case and provided to us  
8 by JBDev and I want us to take a look here. If you  
9 look across the top you'll see in red letters  
10 different column titles; is that correct?  
11 A. Yes.  
12 Q. You'll see in Column C there's first names  
13 and Column F there's last names.  
14 A. Yes.  
15 Q. And then if we scroll over to here, you'll  
16 see a column that says "Day;" correct, Column M?  
17 A. Yes.  
18 Q. And then Column N is in time?  
19 A. Yes.  
20 Q. Column O is out time?  
21 A. Yes.  
22 Q. And then Column P is the consecutive work  
23 week in hours and minutes; correct?  
24 A. Yes.

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1 Q. So this purports to show the clock in and  
2 clock out times according to the JBDev software,  
3 okay?  
4 A. Okay.  
5 Q. If you look at the bottom of the Excel  
6 spreadsheet, each of the tabs is for a different  
7 reporting period. So if you look at the one I have  
8 opened on the bottom left corner it says 12-16-2018  
9 to 12-30-2018. Do you see that?  
10 A. Yes.  
11 Q. Okay, so this is -- all of the entries in  
12 this particular tab of the Excel spreadsheet are  
13 for this time period and I want to just move  
14 forward in time here. So now I'm at the  
15 spreadsheet that is for 8-25-2019 to 9-8-2019. Do  
16 you see that?  
17 A. Yes.  
18 Q. Okay. Now, I'm going to cheat a little bit  
19 and search for your name so we can find the ones  
20 that have to do with you. I'm going to stop  
21 sharing my screen while I find yours.  
22 A. Okay.  
23 Q. Part of your payroll duties you had to  
24 approve people's time?

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1 A. Yes.  
2 Q. Okay. That's why when I search your name  
3 comes up. Let me find the ones I'm looking for.  
4 Share my screen again with you, ma'am. Do you see  
5 what I'm looking at now?  
6 A. I do.  
7 Q. Okay. One second. Sorry. Okay. Thank  
8 you for your patience. All right. Do you see  
9 what's on the screen now, ma'am?  
10 A. Yes, I do.  
11 Q. I'm going to highlight here the rows, if  
12 you see them turn gray, that have your first and  
13 last name. Do you see them there?  
14 A. Yes.  
15 Q. So your first and last name are listed in  
16 the Columns C and F and if we scroll over here to  
17 where we saw the clock in clock out times, those  
18 are listed here as well; right?  
19 A. Yes, although I can't see them entirely.  
20 There we go.  
21 Q. Is that better?  
22 A. That is.  
23 Q. Okay, so according to this timecard report,  
24 it looks like you took PTO on the 3rd, 4th, 7th and

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1 8th of September; correct?  
2 A. Yes.  
3 Q. Okay. Was that the trip to Maryland you  
4 talked about?  
5 A. Yes.  
6 Q. Okay. And then it appears to me that you  
7 clocked in on September 9th and worked actual  
8 hours; right?  
9 A. Yes.  
10 Q. And then it looks like you used PTO on the  
11 10th of September; correct?  
12 A. I don't -- I don't know if that's PTO or  
13 working hours.  
14 Q. If you see where it says 9-10-2019 and you  
15 look over it says 8 hours. If you keep going over  
16 into Row S it says PTO. Do you see that, Row S?  
17 A. Okay. Row S isn't there.  
18 Q. Can you not see Row S?  
19 A. No.  
20 Q. All right. Let me keep scrolling. Can you  
21 see Row S now that says PTO --  
22 A. I do now.  
23 Q. Okay. Thank you for letting me know.  
24 Okay, so look again at that date of September 10th

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1 and it says you used certain PTO time; right?  
2 A. Yes.  
3 Q. Okay. My question is: For the dates  
4 listed in this timecard, do you have any reason to  
5 dispute that this is either when you clocked in  
6 worked or when you used PTO for this time period?  
7 A. No.  
8 Q. Okay and I'll use the second tab here.  
9 Well, do you see now I've switched to another time  
10 period? It says 9-22-2019 to 10-6-2019; correct?  
11 A. Correct.  
12 Q. I'm going to stop sharing just for me to do  
13 this search. Won't go through all of those. I'm  
14 not going to make you go through all of those.  
15 We'll move on from that line of questioning. I'm  
16 not going go do the entire thing right now.  
17 Okay. I know we spoke briefly about your  
18 rationale between applying and not applying for  
19 jobs. Do you remember whether you ever did put in  
20 an application for a job after your employment at  
21 OVMC ended?  
22 A. Yes, I did.  
23 Q. Do you remember when that happened?  
24 A. I don't remember the date.

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1 Q. Okay. Do you remember what month it  
2 occurred in?  
3 A. No.  
4 Q. Okay. Do you know if it occurred in 2019?  
5 A. Yes.  
6 Q. Okay. Do you remember where you put that  
7 application in at?  
8 A. Yes.  
9 Q. Where was that application to?  
10 A. A company called Family Medical in  
11 Wheeling.  
12 Q. Did the company issue you any property to  
13 use, anything like a cell phone or a laptop or an  
14 iPad?  
15 A. Which company?  
16 MR. RISOVICH: Object to form.  
17 Compound.  
18 Q. Okay. Did OVMC issue you a work cell  
19 phone?  
20 A. No.  
21 Q. Did OVMC issue you a work laptop?  
22 A. No.  
23 Q. Did OVMC issue you a work iPad?  
24 A. No.

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1 Q. Did OVMC issue you any other property that  
2 I haven't listed?  
3 A. No.  
4 Q. Okay. Thank you. Did you have to use a  
5 name badge as part of your job at OVMC?  
6 A. Yes.  
7 Q. Did you have to return that badge at any  
8 point?  
9 A. No.  
10 Q. Whenever you were communicating with  
11 Ms. Bruno about working in either the accounting or  
12 medical department, medical records department, did  
13 you provide her with specific dates that you were  
14 available or did you provide her, tell her whenever  
15 she had time available to schedule you?  
16 A. I provided her with dates.  
17 Q. Okay. Do you remember how many days a week  
18 you were providing her with your availability, like  
19 how many days -- how many days you said you were  
20 available in a week?  
21 A. I don't remember how many I told her at the  
22 time.  
23 Q. Do you have any personal knowledge of any  
24 OVMC employee retiring in August or September of

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1 2019?  
2 A. No.  
3 Q. Do you remember if you had any  
4 conversations with patients about the closure of  
5 OVMC?  
6 A. No.  
7 MR. RISOVICH: Objection. Asked and  
8 answered.  
9 A. No, I don't remember any specific ones.  
10 Q. Thank you. Do you remember if you had any  
11 personal conversations with Dan Dunmyer in 2019?  
12 A. No.  
13 Q. Do you remember if you had any personal  
14 conversations with Jennifer Quello at any time  
15 during your employment at OVMC?  
16 A. No.  
17 Q. Do you remember if you had any personal  
18 conversations with Michael Serou during your  
19 employment at OVMC?  
20 A. No.  
21 Q. Couple more. Do you know, did you have any  
22 personal conversations with Lex Reddy during your  
23 employment at OVMC?  
24 A. Yes.

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1 Q. Okay. When did you have a personal  
2 conversation with Lex Reddy?  
3 A. He used to make rounds sometimes and come  
4 to the units so it was just a, you know, he would  
5 come, say hello, how is everything and leave.  
6 Q. Okay. Did you ever discuss anything  
7 related to this lawsuit with Mr. Reddy?  
8 A. No.  
9 Q. Do you remember the last time you would  
10 have spoken to him?  
11 A. No.  
12 Q. During your OVMC career did you ever speak  
13 to a man named Mark Bradshaw?  
14 A. No.  
15 Q. During your OVMC career did you ever speak  
16 to a man named Roger Chrisman?  
17 A. No.  
18 Q. Did your direct supervisor change from --  
19 well, let me strike that.  
20 Let me put it this way: Do you know how long  
21 Cindy Bruno had been the nursing manager?  
22 A. No, I don't remember the exact amount of  
23 time.  
24 Q. Do you remember if she was the nursing

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1 manager before 2018?  
2 A. I don't remember when she took over.  
3 Q. Okay. Who was there in that nursing  
4 manager position before her?  
5 A. Anita Howard.  
6 Q. You don't remember when Anita would have  
7 left?  
8 A. No, I don't.  
9 Q. Okay. Okay, ma'am, I don't have anymore  
10 questions for you, but your counsel might have some  
11 questions for you so I'll turn it over to them.  
12 A. Okay.  
13 MR. RISOVICH: Chelsea, if we can take  
14 like a ten minute break, is that all right?  
15 MS. THOMPSON: Yeah. Sure.  
16 MR. RISOVICH: Okay. Thank you.  
17 VIDEO OPERATOR: Time is 1:06 p.m. We  
18 are off the record.  
19 (A brief recess was taken after which  
20 the deposition continued as follows:)  
21 VIDEO OPERATOR: The time is 1:14 p.m.  
22 We are on the record.  
23 MR. RISOVICH: We don't have any  
24 questions. We would like to the read the

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1 transcript though.  
2 MS. THOMPSON: I have nothing further.  
3 VIDEO OPERATOR: We need to get orders  
4 on the record before we sign off if that's okay.  
5 MS. THOMPSON: Sure. I'd like a paper  
6 and an electronic copy of the transcript and a CD of  
7 the video, synched if possible.  
8 VIDEO OPERATOR: Okay. Thank you.  
9 MR. RISOVICH: We would as well.  
10 VIDEO OPERATOR: Do you need a copy of  
11 the video?  
12 MR. RISOVICH: Yes, please.  
13 VIDEO OPERATOR: Do you also need it  
14 synched or just want standard?  
15 MR. RISOVICH: I would actually defer to  
16 Molly on this, how she would prefer it.  
17 MS. DAVIDSON-WELLING: Yeah, I don't  
18 think we need it synched.  
19 VIDEO OPERATOR: Okay. Thank you. The  
20 time is 1:16 p.m. and this concludes the deposition.  
21 (Having indicated she would like to read  
22 her deposition before filing, further this deponent  
23 saith not.)  
24  
25

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1 STATE OF WEST VIRGINIA,  
2 COUNTY OF KANAWHA, to wit:  
3  
4 I, Angela L. Curtis, a Notary Public within  
5 and for the County and State aforesaid, duly  
6 commissioned and qualified, do hereby certify that  
7 the foregoing deposition of Elizabeth Schenkel was  
8 duly taken by me and before me at the time and place  
9 and for the purpose specified in the caption hereof,  
10 the said witness having been by me first duly sworn.  
11  
12 I further certify that the attached  
13 deposition transcript of Elizabeth Schenkel meets the  
14 requirements set forth within article twenty-seven,  
15 chapter forty-seven of the West Virginia Code to the  
16 best of my ability.  
17  
18 I do further certify that the said deposition  
19 was correctly taken by me in shorthand notes, and  
20 that the same were accurately written out in full and  
21 reduced to typewriting and that the witness did  
22 request to read her transcript.  
23  
24 I further certify that I am neither attorney  
25 or counsel for, nor related to or employed by, any of  
26 the parties to the action in which this deposition is  
27 taken, and further that I am not a relative or  
28 employee of any attorney or counsel employed by the  
29 parties or financially interested in the action.  
30 My commission expires August 23, 2022. Given  
31 under my hand this 21st day of May 2022.  
32  
33 *Angela L. Curtis*  
34  
35

**EXHIBIT 5**

KEITH REED, ET AL vs.  
ALECTO HEALTHCARE SERVICES, LLC, ET AL

ELIZABETH SCHENKEL  
05/13/2022

ERRATA SHEET

I, Elizabeth Schenkel, do hereby certify that the foregoing is a true and correct transcript of my deposition with the exception of the following corrections:

PAGE LINE CORRECTION

See Attachment

Elizabeth Schenkel  
DEPONENT'S SIGNATURE

STATE OF Ohio,  
COUNTY OF Fairfield,

Sworn to before me, Heather Yontz,  
Notary Public, this 24<sup>th</sup> day of June,  
2022



Heather Yontz  
NOTARY PUBLIC

HEATHER YONTZ  
Notary Public, State of Ohio  
My Commission Expires 07/21/2025

Realtime Reporters, LLC  
schedulingrealtime@gmail.com 304-344-8463

EXHIBIT 5

# **ERRATA SHEET**

Re: Reed, et al. v. Alecto Healthcare Services, LLC, et al.  
Civil Action No. 5:19-CV-00263 (N.D. W. Va.)

## **Deposition of Elizabeth Schenkel, taken May 13, 2022**

<b>Page No.</b>	<b>Line No.</b>	<b>Description of what needs to be changed</b>	<b>Reason for Change</b>
13	22	Please put a coma after “usually”	Flow of sentence
15	7	Change “say” to “ask”	Clarification
17	16	Change “34.45” to “\$32.45”	I misspoke — corrected as per p. 88, line 9
19	23	Add “healthcare” after “flexible”	Clarification
20	3	Add “healthcare” after “flexible”	Clarification
23	23	“coordinators. And then on the – as a 3:00 p.m.” should read “coordinators. And then on the -- at 3:00 p.m.”	Correcting transcription
23	24	Change “scheduling” to “scheduled”	Clarification
28	21-24	Contingent employees filled in the gaps on our schedule. They got the standard rate of pay for their position and no benefits. Casual employees got a higher rate of pay in lieu of benefits. They were scheduled as any other regular employee.	Clarification due to additional recollection.
47	16	Change “Melissa” to “Marisa”	Correcting transcription
87	18	Change “term” to “turn”	Correcting transcription
103-104	24-5	I took PTO on Saturday, September 7, 2019 and Sunday, September 8, 2019 because the hospital was already closed. So, I could not work my scheduled shifts. I returned from my trip to Maryland on Friday, September 6, 2019 as originally planned.	Clarification

Page No.	Line No.	Description of what needs to be changed	Reason for Change
24 26 80 81 83 97 109	10, 14 7 8, 9, 10 17 4, 21 19 21	All references to "Cindy" should be changed to "Cindi"	Correcting spelling